

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a longstanding constitutional democracy with a federal parliamentary form of government in which citizens periodically choose their representatives in free and fair multiparty elections. The Government respects the constitutional provisions for an independent judiciary in practice.

Federal and state police are under the firm control of the civilian authorities and carry out their functions in accordance with the law. There were occasional reports that police committed abuses.

The country has a population of approximately 19,350,000. Its highly developed market-based economy, which includes manufacturing, mining, agriculture, and services, provides most citizens with a high per capita income. A wide range of government programs offers assistance for disadvantaged citizens.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. During the year, six persons died of gunshot wounds that occurred while in police custody, while being taken into custody, or while trying to evade capture by police. There were occasional reports that police beat or otherwise abused persons. The Government administers many programs to improve the socioeconomic conditions of Aboriginals and Torres Straits Islanders, who together form about 2 percent of the population, and to address longstanding discrimination against them. Societal violence and discrimination against women are problems that are being addressed actively. There were some instances of forced labor in the past, but none were identified during the year, and trafficking in women is a limited problem, which the Government is taking steps to address. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal immigrants and violence at migrant detention centers contribute to instances of vilification of immigrants and minorities. During the year, the country tightened its immigration laws to deter illegal migrants. This effort followed an incident in August in which a Norwegian freighter carrying rescued individuals who wished to seek asylum was denied permission to land in the country after entering territorial waters around Christmas Island.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. However, 91 persons died in prisons, in police custody, or during police attempts to detain them (see Section 1.c.). Eight persons died as a result of injuries sustained while fleeing police during high-speed pursuit. The police shot and killed six persons; coroners' inquests into these deaths were ongoing at year's end.

Officials also confirmed the deaths of three persons in immigration detention facilities during the year and another in December 2000. On June 22, a man in immigration detention died in a Perth Hospital, where he had been receiving treatment for cancer. On July 26, a man died in the Villawood detention center near Sydney 1 day after arriving in the country. At year's end, a coroner's inquest being conducted into the circumstances of his death had not been completed. On September 26, a woman died in Villawood detention center; at year's end, a coroner's inquest was being conducted.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits all such practices; however, there were occasional reports that police mistreated suspects in custody. Some indigenous groups charge that police harassment of indigenous people is pervasive and that racial discrimination among po-

lice and prison custodians persists. Amnesty International (AI) reported several incidents that involved such abuses. State and territorial police forces have internal affairs units that investigate allegations of abuse and report to a civilian ombudsman.

In 2000 there were 91 deaths in custody or in the process of apprehension, an increase of 6 over the number of such deaths in 1999. In four cases, the cause of death was not identified. Of the other 87 cases, 31 deaths were attributed to suicide by hanging, 25 deaths were due to natural causes, 10 were due to unspecified injuries, 8 were the result of injuries sustained during high-speed car chases, 6 were shot by police, 6 were due to drug abuse, and 1 due to self-inflicted gunshot wounds.

In all cases where deadly force was used, the circumstances of the case were reviewed and police have been sanctioned in cases where abuses have been found to occur. There were no cases during the year for which police were disciplined for the unjustified use of force.

According to a report by the Australian Bureau of Statistics, as of June 30, 2000, aboriginal adults represent 1.6 percent of the adult population but constituted approximately 19 percent of the total prison population, or approximately 14 times the nonindigenous rate of incarceration. During 2000 Aboriginals accounted for 17 (or about 19 percent) of the 91 deaths in custody. Five Aboriginals died in police custody or during attempts by police to detain them. Of the five, four died from injuries and one died of natural causes. Eleven indigenous adults died in prison during 2000. Of these 11 deaths, 8 were suicides by hanging and 3 from natural causes. A 15-year-old indigenous youth hanged himself while in juvenile detention during 2000.

Prison conditions meet international standards, and the Government permits visits by independent human rights monitors. Within the country, each state and territory is responsible for managing its prisons. In June a Tasmanian state coroner's inquest called for improved safety procedures after a prisoner's death in custody. The Tasmanian government over the next 6 months took specific steps to implement extensive reforms to prison operations.

The federal Government oversees six immigration detention facilities located in the country and several offshore facilities in the Australian territory of Christmas Island and in the countries of Nauru and Papua New Guinea. These facilities were established to detain individuals who attempt to enter the country unlawfully, pending determination of their applications for refugee status. In November the 6 on-shore centers held 2,736 detainees, of whom 910 were awaiting deportation. Several hundred additional detainees were being held in the offshore facilities; at year's end, there had been no decisions on the refugee status of these detainees.

Media reports, confirmed by the Government, indicated that at least three persons died while in immigration detention during the year and another died in December 2000 (see Section 1.a.). Hunger strikes and protests occurred during the year at immigration detention facilities over allegedly poor sanitary conditions, inadequate access to telephones, and limited recreational opportunities. In January a riot at the Port Hedland center in the northwest resulted in injuries to three staff members; rioters were subdued with pepper spray, but no detainees were injured. In April a detention center guard pled guilty to charges of assaulting a detainee; he received a suspended sentence of 15 months and 2 years of probation. In May a riot took place at the Port Hedland Detention Center in which guards used tear gas and batons to subdue the detainees; however, there were no significant injuries. In June a West Australian court sentenced a detainee at the Curtin Detention Center to 4 years in jail for inciting a riot that caused property damage and risk to detainees. In November and December, riots and fires occurred at the Woomera Detention Center resulting in property damage and injuries.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions in practice.

In June the Australian Council of Civil Liberties urged a review of the mandatory detention procedures for unlawful arrivals in effect since 1994, asserting a lack of international precedent for detaining asylum seekers and a need for independent oversight of the facilities. The Government responded by noting that immigration detention facilities are monitored by the Department of Immigration and Multicultural and Indigenous Affairs, using standards developed in consultation with the Commonwealth Ombudsman's office and that facilities are open to inspection by the Ombudsman's office and the independent federal Human Rights and Equal Opportunity Commission (HREOC) at any time. During the year, the Government granted the U.N. High Commission on Refugees (UNHCR) access to the detention facilities.

In November 2000, HREOC asserted that the Government was in breach of the U.N. International Covenant on Civil and Political Rights for detaining a number of permanent resident convicts indefinitely until they could be deported. HREOC followed with a report in March alleging that as many as 70 permanent resident con-

victs were in custody awaiting deportation, despite having already completed their prison sentences.

The law provides that law enforcement officials may arrest persons without a warrant if there are reasonable grounds to believe a person has committed an offense. Law enforcement officials can seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear. Once individuals are arrested, they must be informed immediately of the grounds of arrest and given a "criminal caution," that is, informed of their rights. Once taken into custody a detainee must be brought before a magistrate for a bail hearing at the next sitting of the court. Persons charged with criminal offenses generally are released on bail except when charged with an offense carrying a penalty of 12 months imprisonment or more, or the possibility of violating bail conditions is judged to be high. Attorneys and families are granted prompt access to detainees. Detainees held without bail pending trial generally are segregated from the other elements of the prison population.

Although neither the Constitution nor the law addresses exile, the Government does not use forced exile.

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

There is a well-developed system of federal and state courts, with the High Court at its apex. Almost all criminal trials are conducted by courts established under state and territorial legislation. The Federal Court and the High Court have very limited roles to play.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right.

When trials are conducted in local courts, magistrates sit alone. In higher courts, namely the state district or county courts and the state or territorial supreme courts, trials usually are conducted before a judge and jury. The jury decides on the facts and on a verdict after a trial conducted by a judge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution does not provide for freedom of speech and of the press; however, in two decisions the High Court has indicated that freedom of political discourse is implied in the Constitution. The High Court also has supported implied constitutional freedom of speech and of the press involving public political discourse. Nevertheless, citizens and the media freely criticize the Government without reprisal. Government officials occasionally have won libel suits against the independent media; however, such judgments have not impeded vigorous media criticism. An independent press, an effective judiciary, and a functioning democratic political system combine to support freedom of speech and of the press.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—While the right to peaceful assembly is not codified in law, citizens exercise it without government restriction. There is no explicit right to freedom of association; however, the Government generally respects this right in practice.

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

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

The Government encourages immigration by skilled migrants, family members, and refugees.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, subject to certain geographic and time constraints on claims lodged by asylum seekers who may already have sought asylum in other countries. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There is no provision for first asylum. Federal immigration officials adjudicate claims for refugee status with UNHCR standards as a basis for review. Legal assistance is provided upon request to those detainees who are making their initial visa application or refugee status claim.

In September Parliament passed legislation that retroactively removed the right of any noncitizen to apply for a permanent protection visa, if that person's entry was

unlawful and occurred in one of several “excised” territories along the country’s northern arc: Christmas Island; Ashmore and Cartier Islands; the Cocos Islands; and any sea or resource installation designated by the Government.

Under the law, persons who arrive at the border without prior authorization to enter the country automatically are held in immigration detention but may be released pending further adjudication of their asylum claim if they meet certain criteria—including age, ill-health, and experiences of torture or other trauma. Undocumented arrivals whose claim for asylum cannot be immediately verified (the majority of asylum seekers) are detained for an often-prolonged asylum adjudication process. Upon approval of a claim, a temporary protection visa valid for 3 years is given, affording access to medical insurance and social services but without provision for family reunification or right of reentry to the country. After 3 years, a temporary protection visa holder’s case is subjected to a primary review by Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). If denied, applicants have a right to appeal the decision successively to the Minister for Immigration and Multicultural and Indigenous Affairs, an independent Refugee Review Tribunal, and a Federal court. A full protection visa may be issued at any stage of the asylum adjudication process. As the 3-year temporary protection visa was introduced in 1999, there is no clear evidence yet as to how persons with an expiring temporary protection visa will be treated. Before 1999 those who claimed a fear of persecution were either issued or denied permanent protection visas, providing for full residence and employment rights, with no intermediate measures.

In 2000–01 the Government recorded 4,141 unlawful arrivals in the country on 54 boats. The large number of asylum seekers entering the country since 1999 slowed the processing of protection claims while DIMIA acquired additional staff and resources. Previously, a primary decision on application for refugee status could be made in an average of 6 weeks. In late 1999, 80 percent of asylum seekers received a decision within 32 weeks. During the year, officials attempted to process 80 percent of primary decisions within 14 weeks (with 8 additional weeks required on average if a case is appealed to the Minister for Immigration and the Refugee Review Tribunal). A small number of asylum seekers are detained for years, while their cases are reviewed and appealed. During the year, the Government and DIMA agreed that detention of asylum seekers generally will not be funded for longer than 14 weeks, giving the agency a financial incentive to expedite case handling. The detention policy has led to extensive litigation initiated by human rights and refugee advocacy groups, which charge that the sometimes-lengthy detentions violate the human rights of the asylum seekers. In September HREOC criticized the new Border Protection Act and related legislation, charging that they failed to apply human rights protections equally within all territories.

Citing the U.N. International Covenant on Civil and Political Rights (ICCPR), HREOC claimed that the country is not fulfilling its pledge to ensure that all individuals within its sovereign territory receive the basic human rights protections recognized in the International Covenant on Civil and Political Rights. HREOC claimed further that under the Convention of the Rights of the Child (CROC), the country’s mandatory immigration detention policy violates a child’s right not to be deprived of his or her liberty unlawfully or arbitrarily (see Section 5).

HREOC also claimed that the newly instituted Migration Amendment Bill improperly abridged asylum seekers’ rights to pursue legal proceedings against the federal government for breaches of human rights obligations. Other NGO’s such as Human Rights Watch have leveled comparable criticism.

During the year, there were hunger strikes and protests over allegedly poor sanitary conditions, inadequate access to telephones, and limited recreational opportunities at immigration detention facilities. In April a detention center guard pled guilty to abusing a detainee. During the year, there were riots at the Port Hedland and Woomera Detention Centers (see Section 1.c.).

In February Philip Flood, a retired diplomat, provided the results of his year-long inquiry into immigration detention centers, which the Government had commissioned. After visiting all six centers and interviewing dozens of persons, Flood concluded that the Woomera Detention Center had infrastructure and management shortcomings, and the Government had exerted inadequate oversight of the security firm hired to manage the facility. He found that poor supervision at Woomera had enabled a minority of guards to handle detainees in a humiliating or verbally abusive manner. Flood reported improper handling of a child abuse complaint at Woomera as well. Sixteen changes to procedures were recommended, including many to improve the welfare of children at the facilities. The Government publicly supported the Flood report’s recommendations for correcting the deficiencies.

In June Members of Parliament’s Joint Standing Committee on Foreign Affairs visited the six detention centers. Their subsequent report alleged inadequate sani-

tary facilities and claims of alienation and isolation by detainees. The Members of Parliament (M.P.s) recommended a 14-week limit on detention terms, an ombudsman for detainees, and segregation of troublesome asylum seekers. At year's end, DIMIA was making efforts to implement the M.P.s' recommendations in consultation with a new Independent Detention Advisory Committee created during the year to advise the Government.

During the year, ships carrying would-be asylum seekers were denied permission to enter the country's ports (or territorial waters). The asylum seekers allegedly were attempting to enter the country illegally. Some of the ships were rerouted to the country's offshore immigration detention facilities on Christmas Island (Australia) and the countries of Nauru and Papua New Guinea. In some cases, the would-be asylum seekers reportedly took actions designed to force the Government to allow them to enter the country's territorial waters and to land, such as jumping overboard or setting fire to their ships. In these cases, naval vessels effected rescues but did not allow the rescued persons to land or enter territorial waters.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage and mandatory voting. In November citizens elected the Liberal-National Party Coalition to a third 3-year term of office. There also were elections in four of the country's eight states and territories during the year; the Australian Labor Party won all four elections.

In November 1999, voters rejected a referendum to amend the Constitution to become a republic.

There are no legal impediments that prevent women and indigenous people from holding public office; however, the percentage of women in government and politics does not correspond to their percentage of the population. Approximately 25 percent of federal parliamentarians are women, approximately the same as at the end of the last Parliament. Both the Government and the opposition have declared their intent to increase the numbers of women elected to public office.

The percentage of Aboriginals in government and politics does not correspond to their percentage of the population. The deleterious effects of poor educational achievement and a generally inferior socioeconomic status have contributed significantly to the underrepresentation of Aboriginals among political leadership. One Aboriginal was elected to the Federal Senate in the October 1998 elections. During the year, an Aboriginal woman was elected to the West Australian state parliament (the first indigenous woman to be elected to a state legislature) and four Aboriginals, including a woman, were elected to the Northern Territory legislative assembly.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. However, although the Government has cooperated with a number of human rights groups, it did not agree with the specific conclusions of several reports.

The most significant of these groups is the federally funded but independent HREOC. Overall, the number of complaints of discrimination received by the HREOC fell from 1,317 in 1999–2000 to 1,263 in 2000–01, a drop of 4 percent. Approximately 56 percent of all cases were declined because they did not fall under HREOC's jurisdiction or no discrimination had been shown, 35 percent were resolved through conciliation, 8 percent were withdrawn before action could be taken, and 1 percent were referred for further action.

In July 2000, the U.N. Human Rights Commission urged the Government to do more to secure a stronger decisionmaking role for indigenous Australians over their traditional lands and natural resources. The Commission also urged the Government to do more to provide remedies to members of the "Stolen Generation" (see Section 5). In addition the Commission recommended review of mandatory sentencing policies (see Section 5) and mandatory detention of illegal arrivals (see Section 2.d.). The Government responded that many of the recommendations were neither necessary nor desirable and reiterated its belief that mandatory detention of illegal arrivals was consistent with its treaty obligations. In October the newly-elected government of the Northern Territory repealed the territory's mandatory sentencing laws (see Section 5).

In March 2000, the International Labor Organization's (ILO's) Commission on Freedom of Association made a series of recommendations regarding the country's

labor laws, especially the Workplace Relations Act and the Trade Practices Act (see Sections 6.a. and 6.b.). The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law," and stated that the ILO failed to understand the domestic role that certain labor laws played. The Government rejected all of the ILO's recommendations.

In March 2000, the UN Working Group on Arbitrary Detention sought approval from the Australian Mission in Geneva to visit Australia's immigration detention facilities. The response to the request initially was delayed; later, the Government decided not to extend an invitation to the group.

In August 2000, the Government announced the results of a review of its cooperation with U.N. human rights treaty committees. While maintaining its commitment to involvement with the committees, the Government, as a result of the review, decided to limit visits by such committees to cases where a "compelling reason" exists for the visit. In addition the Government stated that it would not delay removal of unsuccessful asylum seekers who appealed to one of the U.N. Human Rights mechanisms; previously, such persons had been allowed to remain pending the resolution of the appeal of their cases to such U.N. bodies.

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

The law prohibits discrimination based on these factors, and the Government and an independent judiciary vigorously enforce the prohibition.

In its 1999–2000 report, the HREOC stated that it received eight complaints about discrimination based on sexual orientation. According to a study in 2000 by the Australian Institute of Criminology, 37 murders of homosexual men were found to be hate crimes in New South Wales between 1989 and 1999. No other state of Australia collects statistics on or identifies gay hate-related homicides.

Women.—Violence against women is a problem. Social analysts and commentators estimate that domestic violence may affect as many as one family in three or four, but there is no consensus on the extent of the problem. While it is understood that domestic violence is particularly prevalent in certain Aboriginal communities, only the states of Western Australia and Queensland have undertaken comprehensive studies into domestic violence in the Aboriginal community. It is agreed widely that responses to the problem have been ineffectual.

The Government recognizes that domestic violence and economic discrimination are serious problems and the statutorily independent Sex Discrimination Commissioner actively addresses these and other areas of discrimination. A 1996 Australian Bureau of Statistics (ABS) study (the latest year for which statistics are available) found that 2.6 percent of 6,333 women surveyed who were married or in a common-law relationship had experienced an incident of violence by their partner in the previous 12-month period. Almost one in four women who have been married or in a common-law relationship have experienced violence by a partner at some time during the relationship, according to the ABS study.

Prostitution is legal or decriminalized in many areas of the states and territories. In some locations, state and local governments inspect brothels to prevent mistreatment of the workers and to assure compliance with health regulations.

There were 14,074 victims of sexual assault recorded by the police in 1999 (the latest figures publicly available; they do not distinguish by gender), a decrease of 1.8 percent from 1998. This amounts to approximately 74 victims of sexual assault per 100,000 persons. Spousal rape is illegal under the state criminal codes. Prostitution is legal or decriminalized and occurs throughout the country; however, child sex tourism is prohibited within the country and overseas.

In the past, the occurrence of female genital mutilation (FGM), which is criticized widely by international health experts as damaging to both physical and psychological health, was insignificant. However, in the last few years, small numbers of girls from immigrant communities in which FGM is practiced have been mutilated. The Government has implemented a national educational program on FGM, which is intended to combat the practice in a community health context. The program is designed to prevent FGM, to assist women and girls who already have been subjected to it, and to promote a consistent approach to the issue nationwide. The Government also has allocated funds for the development of state and territory legislation to combat FGM. All states and territories except Queensland and Western Australia have enacted legislation against FGM. In all States and Territories where FGM legislation exists, it was a crime either to perform FGM or to remove a child from the jurisdiction to have FGM performed. Punishment for these crimes can include up to 7 years in prison.

Trafficking in women from Asia and the former Soviet Union for the sex trade is a limited problem that the Government is taking steps to address (see Sections 6.c and 6.f.).

Sexual harassment is prohibited by the Sex Discrimination Act. The latest HREOC report (covering July 1, 2000 to June 30) does not specifically identify complaints of sexual harassment, but combines them with complaints of sex discrimination.

Women have equal status under the law, and the law provides for pay equity. There are highly organized and effective private and public women's rights organizations at the federal, state, and local levels. A federal government-funded Office of the Status of Women monitors women's rights. The federal Sex Discrimination Commissioner receives complaints and attempts to resolve those that are deemed valid. According to the HREOC 2000–01 report, sex discrimination complaints rose by 4 percent between the 1999–2000 reporting period and 2000–01; 339 new cases were filed during the year. Of these 83 percent were filed by women and 81 percent were employment related. In February the Bureau of Statistics estimated that the ratio of female to male full-time average ordinary weekly earnings was 84.6 percent. However, a study released by the Australian Institute of Management in May 2000 was more pessimistic; it found that women were paid only 66 percent of their male counterparts' wages. This study also found that there were fewer female board members in both large and small companies than the previous year. Some members of opposition political parties have attributed the difference to changes in workplace laws, such as the 1996 Workplace Relations Act, which relies on the use of individual employment contracts that are negotiated privately and thus do not necessarily foster equal pay outcomes. Other commentators have suggested that an "old boy's network" can make it difficult for women to negotiate salaries equal to those of their male counterparts.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its publicly funded systems of education and medical care. The Government provides a minimum benefit of 16.8 percent of the cost of a first child's childcare to all parents (with a smaller benefit for additional children), which increases to as much as 100 percent for the lowest income families.

According to the Productivity Commission's Report on Government Services, which was released during the year, the structure of school education varies among states and territories. Formal schooling begins with 6 to 7 years of primary school followed by 5 to 6 years of secondary school, depending upon the state or territory. Education is compulsory, free, and universal in all states and territories for children between 6 and 15 years of age (and to 16 years of age in Tasmania). Most children in urban areas attend school regularly, and children in rural areas participate in school through radio programs or receive government subsidies for boarding school. The report states that 67 percent of all children completed 12 years of schooling (normally through the final year of secondary education).

The Government provides universal health insurance to all citizens from birth on a copayment basis. There is no discrimination between children and adults or between males and females in the provision of health care.

The federal Human Rights and Equal Opportunity Commission receives complaints regarding children and attempts to resolve those that it finds valid. Similarly, the six states and two territories investigate complaints of neglect or child abuse and institute practical measures aimed at protecting the child when such complaints prove founded. The Government has enacted strict legislation aimed at restricting the trade in, and possession of, child pornography, and which further allows suspected pedophiles to be tried in Australia regardless of where the crime was committed. There is no societal pattern of abuse.

The Government and domestic nongovernmental organizations (NGO's) have responded promptly to the problem of a small number of children who have been smuggled into the country, generally for the sex trade (see Sections 6.c. and 6.f.). The NGO End Child Prostitution, Pornography and Trafficking (ECPAT) has conducted an aggressive public education campaign to raise awareness of the issue and offer strategies to combat trafficking in children. ECPAT successfully lobbied the Government to conduct police checks of unaccompanied children entering the country to verify that they are not part of a trafficking operation (see Section 6.f.). In August 2000, the Department of Family and Community Services released its plan of action against the commercial sexual exploitation of children, which was designed to provide the basis for the development of a coordinated governmental response to this problem. However, during the year, there was no information regarding Government action.

In 1992 the High Court ruled that the right to consent to the sterilization of a minor is not within the ordinary scope of parents' or guardians' powers, except in

limited circumstances. The High Court ruled that the decision to undertake sterilization procedures should be made by an independent body. The Government made the federal Family Courts the arbiters in such cases. In 1998 the Government made it illegal for a physician to conduct sterilization of a minor without authorization from the Family Court. Physicians who performed such procedures without court authorization were subject to both criminal and civil action. In April a report into the sterilization of disabled girls and young women, commissioned by the Federal Sex Discrimination Commissioner, found that the official data is unreliable and anecdotal evidence suggests that girls continue to be sterilized in numbers that far exceed those that have been lawfully authorized.

During the year HREOC claimed that under the Convention of the Rights of the Child (CROC), the country's mandatory immigration detention policy violates a child's right not to be deprived of his or her liberty unlawfully or arbitrarily (see Section 2.d.).

Persons with Disabilities.—Legislation prohibits discrimination against persons with disabilities in employment, education, or other state services. The Disability Discrimination Commissioner promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The Commissioner also promotes implementation and enforcement of state laws that require equal access and otherwise protect the rights of persons with disabilities.

The law makes it illegal to discriminate against a person on the grounds of disability in employment, education, provision of goods, services, and facilities, access to premises, and other areas. The law also provides for investigation of discrimination complaints by the HREOC, authorizes fines against violators, and awards damages to victims of discrimination.

The 2000–01 HREOC report states that persons brought 82 complaints to HREOC during the 2000–01 reporting year, along with 20 complaints of discrimination based on intellectual disability, and 24 complaints based on learning disabilities.

Through June 443 complaints of discrimination due to disability were filed with the HREOC, nearly the same as the number of such complaints received 1999–2000. Of these 43 percent were employment related and 27 percent concerned the provision of goods and services.

Indigenous People.—The law prohibits discrimination on grounds of race, color, descent, or national or ethnic origin. The Department of Immigration and Multicultural and Indigenous Affairs, in conjunction with the elected Aboriginal and Torres Straits Islander Commission (ATSIC), has the main responsibility for initiating, coordinating, and monitoring all governmental efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs seek to improve all aspects of Aboriginal and Torres Straits Islander life. In 2001–02 the Government plans to spend approximately \$1.2 billion (A\$2.34 billion) on indigenous-specific programs in areas such as health, housing, education, and employment. In real terms, the Government increased funding for Aboriginal benefits by 5 percent over the previous fiscal year. However, in practice indigenous Australians continue to experience significantly higher rates of imprisonment, inferior access to medical and educational institutions, greatly reduced life expectancy rates, elevated levels of unemployment, and general discrimination, which contribute to a feeling of powerlessness.

Through exercising their right to vote and through the Aboriginal and Torres Straits Islander Commission (ATSIC), Aboriginal and Torres Strait Islander peoples are able to participate in government decisionmaking that affect them. Every 3 years, indigenous people elect representatives to sit on 35 regional councils and the Torres Strait Regional Authority, who in turn choose 17 commissioners comprising the ATSIC Board. The ATSIC Board is an advocate for indigenous people on all issues affecting indigenous people and at all levels of government.

Government programs, including a \$399 million (A\$785 million) indigenous land fund and a “Federal Social Justice Package,” aim at reducing the challenges faced by indigenous citizens.

In 1993 the federal Parliament passed the Native Title Act, which established a National Native Title Tribunal to resolve native title applications through mediation. The Tribunal also acts as an arbitrator in some cases where the parties cannot reach agreement about proposed mining or other development of land. In July 1998, after a compromise with its opponents, the Government was able to pass amendments to the Native Title Act. The ATSIC stated that the amended act provided gains for Aboriginal people but still contains “substantial pain” for native title claimants. Aboriginal leaders were pleased by the removal of the time limit for lodging native title claims but expressed deep concern about the weakening of Aboriginal rights to negotiate with non-Aboriginal leaseholders over the development of rural property. Aboriginal groups continue to express concern that the amended act

limits the future ability of Aboriginal people to protect their property rights. The Government also has created an indigenous land fund, which is a trust fund that enables indigenous people to purchase land for their use. The fund is a separate initiative from the Native Title Tribunal, that is, the fund is not for payment of compensation to indigenous people for loss of land or to titleholders for return of land to indigenous people.

A 1993 survey indicated that 14.25 percent of Australian land is owned or controlled by Aboriginal people, according to the Australian Surveying and Land Information Group. In July 2000, the U.N. Human Rights Commission stated that Australia should do more to secure for indigenous citizens a stronger role in decision-making over their traditional lands and natural resources. In March 2000, the U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed serious concern that the Government's Native Title amendments would allow the states and territories to pass legislation containing provisions "reducing further the protection of native title claimants." The CERD declared "unsatisfactory" the Government's response to concerns about the Native Title regime expressed in 1999. The Government responded later that year that the laws were passed after full debate in a democratically elected legislature and that the states have a sovereign right to determine land use policy.

According to the Australian Institute of Criminology (AIC) report released in March, indigenous people were imprisoned nationally at 14 times the rate of non-indigenous people in 1999. The indigenous incarceration rate was 295 per 10,000 persons, while the nonindigenous incarceration rate was 18 per 10,000 persons. The AIC reports that the incarceration rate among indigenous youth was 18.5 times that of the nonindigenous youth population in 1999. Over 45 percent of Aboriginal men between the ages of 20 and 30 years have been arrested at some time in their lives. Aboriginal juveniles accounted for 42 percent of those between the ages of 10 to 17 in juvenile corrective institutions during 2000, according to the AIC. Human rights observers claim that socioeconomic conditions give rise to the common precursors of indigenous crime, for example, unemployment, homelessness, and boredom.

Controversy over state mandatory sentencing laws continued throughout the year. These laws set automatic prison terms for multiple convictions of certain crimes. Human rights groups have criticized mandatory sentencing laws, which they allege have resulted in prison terms for relatively minor crimes and indirectly target Aboriginals. In July 2000, the U.N. Human Rights Commission issued an assessment of the country's human rights record that was highly critical of mandatory sentencing (see Section 4). The federal Government decided not to interfere in what it considered to be the states' prerogative, arguing that the laws were passed by democratically elected governments after full political debate, making it inappropriate for the federal government to intervene. The newly-elected government of the Northern Territory repealed the territory's mandatory sentencing laws in October. Australia's Aboriginal and Torres Straits Islander Commission (ATSIC) welcomed this repeal and called upon Western Australia to follow suit. Western Australia continued to retain its mandatory sentencing laws, which provide that a person (adult or juvenile) who commits the crime of home burglary three or more times is subject to a mandatory minimum prison sentence. Indigenous groups charge that police harassment of indigenous people, including juveniles, is pervasive and that racial discrimination among police and prison custodians persists. Human rights groups have alleged a pattern of mistreatment and arbitrary arrests occurring against a backdrop of systematic discrimination. Indigenous people believed that police systematically mistreat them; however, there are no government statistics to confirm this perception.

The Bureau of Statistics' report entitled *Australia's Health 2000* concluded that the average life expectancy of an indigenous person continues to be 20 years less than that of a nonindigenous person. The infant mortality rate for indigenous children is 2.8 times that of nonindigenous children. The maternal mortality rate for indigenous women has declined to 4 times that of nonindigenous women. According to the Australian Institute of Health and Welfare, between 1998 and 2000 the rates of tuberculosis and hepatitis A and B among indigenous people are respectively 3.9 times as great, 5.2 times greater, and 6 times greater than that of nonindigenous people.

According to the Department of Family and Community Services, indigenous youth are 2.5 times more likely than nonindigenous youth to leave school before completing high school. The ATSIC 2000-01 report estimated that the indigenous unemployment rate is 23 percent, 3 times that of the general population. The report states that indigenous employment mainly was concentrated in government and the indigenous service industry sectors, or in low-skilled jobs. Employed indigenous people were nearly 3 times more likely than nonindigenous people to be working as la-

borers and related workers and only half as likely to be employed as managers and administrators or in professional occupations, according to the latest available (1998) figures from the Bureau of Statistics.

In August 1999, the Government, in identical motions passed by both Houses of the Federal Parliament, expressed public regret for past mistreatment of the Aboriginal minority; however, the government-sponsored motion of reconciliation was criticized by many Aboriginal leaders as not going far enough. Prime Minister Howard acknowledged the "most blemished chapter in our national history" and submitted a seven-point motion to Parliament. Howard proposed that Parliament express "its deep and sincere regret" that Aboriginals had "suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel." However, both Aboriginal and opposition leaders stated that only a full apology would be sufficient. The Government also continued to oppose an official apology in the specific case of the "Stolen Generation" of Aboriginal children, who were taken from their parents by the Government from 1910 until the early 1970's and raised by foster parents and orphanages. The Government's position remains that the present generation has no responsibility to apologize for the wrongs of a previous generation.

In August 2000, a Federal court ruled against two claims by members of the "Stolen Generation" for government compensation by stating that the two could not prove sufficiently that they had been taken without their parents' consent. However, the presiding judge stressed that the ruling does not settle the question of compensation for "stolen" children as a whole. The ATSIC has proposed the Government establish a Reparations Tribunal to avoid costly future legal battles. In July 2000, the U.N. Human Rights Commission urged the Government to do more to provide a remedy for members of the "Stolen Generation" (see Section 4).

Following the 1997 publication of HREOC's landmark report on the "Stolen Generation" entitled "Bringing Them Home," the federal government allocated \$32.75 million (A\$63 million) over 4 years to a comprehensive package of initiatives to facilitate family reunion and assist persons to cope with the trauma of separation. At the end of the fiscal year, all \$32.75 million had been disbursed. In addition the 2001-02 federal budget allocated a further \$27.5 million (A\$53.9 million) over a 4-year period for programs under this initiative.

The Government's approach toward aboriginal Australians emphasizes a "practical reconciliation" aimed at raising health, education, and living standards of indigenous people. Following the November parliamentary elections, the Prime Minister Howard designated one minister to serve as both Minister Assisting the Prime Minister for Reconciliation and Minister of Immigration and Multicultural and Indigenous Affairs. The latter portfolio includes oversight of the Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs, previously its own department. The mandate of the Council for Aboriginal Reconciliation, created by Parliament in 1991, expired in 2000. The Council's final report was released in December 2000, and it included recommendations that the federal and state governments set performance benchmarks and timelines for overcoming Aboriginal disadvantage and enact legislation to further the principles of legislation; that Parliament prepare legislation providing for a referendum on deleting a constitutional amendment on racial criteria for voting; and that the Constitution be amended to make racial discrimination unlawful. The report also recommended that appropriate recognition be given to the Aboriginal people and Torres Strait Islanders as the original inhabitants of the land.

Federal and state government leaders agreed in November 2000 to promote the economic welfare of indigenous people and reduce economic disparity. Under the agreement, the federal-state Council of Australian Governments (COAG) will monitor progress toward these goals. The Government has remained silent in response to the Council's recommendations to prepare legislation providing for a referendum on racial criteria on voting and the addition of a new section to the Constitution making racial discrimination unlawful. During the year, there was no formal federal level recognition of the Aboriginal and Torres Strait Islanders as original inhabitants of the land.

Upon its expiration in December 2000, the Council was replaced by Reconciliation Australia, Ltd., a private foundation with government funding, which is charged with continuing the Council's work. Aboriginal and Torres Straits Islander Commission (ATSIC) Chairman Geoff Clark asserted that the council should strive for a true reconciliation guaranteed by both formal recognition of indigenous rights and a treaty. The Government remains opposed to a treaty on the ground that treaties exist only between nations. There was some discussion of reconciliation treaties between Aboriginal Australians and individual states in both 2000 and during the year, but no legislative action on such treaties has been taken.

The Aboriginal Tent Embassy in Canberra, an informal NGO of Aboriginals that has set up a small structure on public land opposite the Old Parliament building, seeks to publicize aboriginal grievances. Other Aboriginal NGO's include groups working on native title issues, reconciliation, deaths in custody, and Aboriginal rights in general. International NGO's, such as AI, have monitored and reported on the rights of indigenous people.

National/Racial/Ethnic Minorities.—Although Asians make up less than 5 percent of the population, they account for 40 percent of new immigrants. Public opinion surveys have indicated concern with the numbers of immigrants arriving in the country. Upon coming to power in 1996, the Government reduced annual migrant (nonrefugee) immigration by 10 percent to 74,000; subsequently, it has increased to approximately 80,000. Humanitarian immigration figures remained steady at approximately 12,000 per year from 1996 through this year. The significant increase in unauthorized boat arrivals from the Middle East during the past 3 years has heightened citizens' concern that "queue jumpers" and alien smugglers are abusing the country's refugee program. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal arrivals, as well as violence at migrant detention centers, contributed to a few incidents of vilification of immigrants and minorities. Following the September 11 terrorist attacks on the United States, a mosque in Brisbane was subjected to an arson attack, and cases of vilification against Muslims rose. According to the HREOC's 2000–01 report, the number of racial discrimination complaints fell by 18 percent over the previous year. During the 2000–01 reporting year, HREOC received 267 cases, of which 30 percent involved employment; 24 percent involved provision of goods, services, and facilities; and 32 percent involved claims of "racial hatred." Non-English speakers filed 34 percent of the complaints and Aboriginals and Torres Strait Islanders filed 6 percent of the complaints.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers, including public servants, freedom of association domestically and internationally, and workers exercise this right in practice. The law also provides for employers to join employer associations. In August 2000, a Bureau of Statistics survey indicated that union membership had declined to 25 percent of the workforce.

Unions carry out their functions free from government or political control, but most local affiliates belong to state branches of the Australian Labor Party (ALP). Union members must make up at least 50 percent of the delegates to ALP conferences, but unions do not participate or vote as a bloc.

Legislation that went into force in 1994 legalized what had always been an implicit right to strike. The 1996 Workplace Relations Act significantly restricted the right of workers to take industrial action by confining it to the period of bargaining, where it remains a protected action. Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action during the formal period of bargaining over a new enterprise agreement. In April 1999, a union in federal court successfully challenged this provision. In its decision, the court refused to grant an injunction against the union for taking industrial action outside of a bargaining period because it was in support of maintaining existing wages and conditions. Associated legislative changes to the Federal Trade Practices law provided companies with resort to legal action if they were subject to secondary boycott action.

The Federal Workplace Relations Act contains curbs on union power, restrictions on strikes, and an unfair-dismissal system. Several unions have objected to the law on the grounds that it allegedly violates the right to assembly provided for in several ILO conventions that the Government has signed. The primary curb on union power is the abolition of closed shops and union demarcations. This provision could create many small and competing unions at the enterprise level, but thus far there have been few changes in existing union structures. In 1999 a union used the act's provisions to withdraw from its larger union structure. Only one enterprise union has been registered under the provisions of the act, the Ansett Pilots Association in December 1999.

The restrictions on strikes include heavy fines for labor unrest during the life of an agreement and tougher secondary-boycott provisions. The unfair-dismissal system further limits redress and compensation claims by employees.

In January a federal court ended a long-running dispute between the BHP mining company and iron ore miners in the Pilbara region of Western Australia by ruling that BHP could offer workers individual employment contracts as an alternative to collective bargaining agreements (see Section 6.b.). During the year, the most notable industrial action was a strike in August by manufacturing workers in the west-

ern part of Sydney against a small but essential automotive parts firm, Tri-Star Steering and Suspension. The workers struck after Tri-Star management refused to accept a clause in a proposed enterprise agreement requiring contributions to Manusafe, a union-controlled trust fund established to safeguard employees' annual leave and long service leave entitlements. The dispute closed several of the country's automobile manufacturers; it ended 2 weeks after the Industrial Relations Commission ordered the termination of the bargaining period, thereby forcing the workers to return to work. The manufacturing workers' union vowed to continue its campaign for accumulated employee entitlements to be paid into Manusafe. During the year, the national union federation, the Australian Council of Trade Unions, also campaigned to increase the minimum wage, to establish a new benchmark for weekly working hours, (especially as related to mandatory overtime), and to protect employee entitlements in the face of numerous company collapses. Laws and regulations prohibit retribution against strikers and labor leaders, and they are effectively enforced. In practice employers tend to avoid legal remedies, for example, secondary boycott injunctions, that are available to them in order to preserve a long-term relationship with their unions.

In March 2000, the ILO's Committee on Freedom of Association recommended substantial changes to the Workplace Relations Act and the Trade Practices Act following an examination of complaints of antiunion discrimination raised by Australian and international trade unions over the Government's role in a 1998 labor dispute involving stevedores. Specifically, the ILO recommended that the Government amend the Workplace Relations Act to eliminate the linkage between restrictions on strike action and legal provisions on interference with trade and commerce. The ILO also criticized the Government's use of serving defense force personnel as replacement workers in the 1998 strike. The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law." The Government rejected all of the ILO's recommendations.

The stalled negotiations on the issue of union involvement in the workplace between iron ore workers and the BHP mining company ended with a federal court decision in January permitting a company to offer individual contracts to workers (see Section 6.b.). The Bureau of Statistics reported 680 industrial disputes for 2000–01, down 6 percent from the previous year; over the same period, workdays lost due to strikes fell by 21 percent to 393,000.

Unions may form and join federations or confederations freely, and they actively participate in international bodies. However, in March 2000, the ILO's Committee on Freedom of Association also recommended that the Government take measures, including amending legislation, to ensure that in the future trade union organizations are entitled to maintain contacts with international trade union organizations and to participate in their legitimate activities. The Government rejected this recommendation.

b. The Right to Organize and Bargain Collectively.—The law at all levels (federal, state, and territories) provides workers with the right to organize and bargain collectively, and the law protects them from antiunion discrimination; the Government respects these rights in practice. However, in Western Australia, the 1997 Labour Relations Legislation Amendment Act amended several pieces of legislation, stripping workers of some protections against discrimination for trade union activities. Although workers cannot be fired for belonging to a union, laws permit individual employment contracts that override awards systems established through collective bargaining and impose complicated prestrike ballot requirements.

At a federal level, the negotiation of contracts covering wages and working conditions has shifted from the centralized awards system of the past to enterprise-level agreements that are certified by the Australian Industrial Relations Commission (AIRC). In 2000–01, the AIRC certified 8,409 enterprise agreements, which was an increase of 52 percent from the number certified in 1997–98. The federal, state, and territorial governments administered centralized minimum-wage awards and provided quasi-judicial arbitration of disputes, supplemented by industry-wide or company-by-company collective bargaining. The Workplace Relations Act also provides for the negotiation of Australian Workplace Agreements (AWA's) between employers and individual workers. These agreements are subject to far fewer government regulations than the awards. At present the AWA's are required to be roughly equivalent to basic working conditions in the award that would apply to the sector to which the firm belongs. The Office of the Employment Advocate reports that 194,815 AWA's have been filed since March 1997, covering 3,609 employers. In March 2000, the ILO recommended that the Government amend legislation so that workplace agreements do not undermine the right to bargain collectively; the Government rejected this recommendation. In January a federal court ruled that the BHP mining company could offer individual employment contracts with superior

conditions (as compared to workers covered by collective bargaining agreements) to iron ore miners in the Pilbara region of Western Australia. The court ruled that workers could not be compelled to accept the individual work agreements, and unions retained the right not only to represent employees who supported collective bargaining but also those who elected to accept an individual work agreement. This decision ended a long running dispute between BHP, which had refused to negotiate a collective agreement, and the iron ore miners.

There are no export processing zones. The Darwin Trade Development Zone, Northern Territory, attempts to increase exports via a geographically defined free trade zone. In practice the Darwin initiative is focused almost exclusively on its Asian neighbors to the north and west.

c. Prohibition of Forced or Compulsory Labor.—Although there are no federal laws prohibiting it, forced labor, including forced and bonded labor by children, generally is not practiced. While there were such instances in the past, there were no reports of this activity during the year. There were infrequent press reports of trafficking in women in the textile, clothing, and footwear industries, sometimes as bonded labor (see Section 6.f.). This limited problem usually involves ethnic minorities in small operations in their homes. Trafficking in persons, particularly in women (but also children) for the sex trade, is a limited problem (see Sections 5 and 6.f.).

The country has ratified ILO Conventions 29 (1932) and 105 (1960) on the abolition of forced labor, and government officials effectively enforce the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, which are enforced by state educational authorities, effectively prevent most children from joining the work force until they are 15 or 16 years of age. Federal and state governments monitor and enforce a network of laws, which vary from state to state, governing the minimum school-leaving age, the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations.

The country has not ratified ILO Convention 182 on the worst forms of child labor.

Federal law does not explicitly prohibit forced and bonded labor by children, but such practices generally are not known to occur, although there have been instances of such abuses in past years (see Sections 6.c. and 6.f.). As a result of the discovery in April 1999 of children working in several clothing sweatshops in Sydney and Melbourne, the Attorney General's Department stated that it would study existing laws and consider whether new legislation would strengthen the Government's ability to combat the problem. The federal Government took no action on this problem during the year; however, the state governments of Victoria and New South Wales enacted legislation to strengthen protections for children in the workplace. In November the Victoria state government substantially raised fines for child labor abuses within the state.

Most cases of abuses in the last several years have involved members of ethnic communities from nations where child labor is not uncommon.

Anecdotal evidence suggests that children, mainly from Asia, are being trafficked into the country as sex workers, but the number is unknown.

e. Acceptable Conditions of Work.—Although a formal minimum wage exists, it has not been relevant in wage agreements since the 1960's. Instead, 80 percent of workers are covered by differing minimum wage rates for individual trades and professions; all are sufficient to provide a decent standard of living for a worker and family.

Most workers are employees of incorporated organizations. For them a complex body of government regulations, as well as decisions of applicable federal or state industrial relations commissions, prescribe a 40-hour or shorter workweek, paid vacations, sick leave, and other benefits. The minimum standards for wages, working hours, and conditions are set by a series of "awards" (basic contracts for individual industries). Some awards specify that workers must have a 24 or 48 hour rest break each week while others specify only the number of days off per number of days worked.

Federal or state occupational health and safety laws apply to every workplace.

The law provides federal employees with the right to cease work without endangering their future employment if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. At a minimum, private sector employees have recourse to state health and safety commissions, which investigate complaints and demand remedial action.

Labor law protects citizens, permanent residents, and migrant workers alike. Migrant worker visas require that employers respect these protections and provide

bonds to cover health insurance, worker compensation insurance, unemployment insurance, and other benefits. Reports of abuse of foreign workers generally refer to migrant permanent residents who perform work in their homes in the clothing and construction industries.

f. Trafficking in Persons.—Legislation enacted in late 1999 targets criminal practices associated with trafficking, and other laws address smuggling of migrants. Trafficking in persons from Asia, particularly women (but also children), is a limited problem that the Government is taking steps to address. The Government's response to trafficking in persons is part of a broader effort against "people smuggling," defined as "illegally bringing non-citizens into the country." Smuggling of persons—in all its forms—is prohibited by the Migration Act, which calls for penalties of up to 20 years imprisonment. In September Parliament also enacted the Border Protection Act, which authorizes the boarding and searching of vessels in international waters, if suspected of smuggling of persons.

The country is a destination for trafficked women and children. In June the Australian Institute of Criminology (AIC), an agency of the Attorney General's Department, issued a report entitled *Organized Crime in People Smuggling and Trafficking to Australia*, which observed that the incidence of trafficking appears to be low. The Government, NGO's, and journalists agree that a number of women, and some children, are being trafficked into the country each year, but they are unable to provide reliable estimates concerning the scope of the problem. The Department of Immigration and Multicultural and Indigenous Affairs and the Australian Federal Police (AFP) have determined that women and children from Thailand, the Philippines, Malaysia, China, Indonesia, South Korea, Vietnam, and parts of the former Soviet Union have been trafficked into the country. They are believed to be entering primarily via air with fraudulently obtained tourist or student visas, for purposes of prostitution. There also have been reports of women trafficked into the country from Afghanistan and Iraq. The high profit potential combined with factors such as the difficulty of detection, unwillingness (or inability) of witnesses to testify in investigations, apparently short stays in the country by workers in the sex trade, and previously low penalties when prosecuted have contributed to the spread of groups engaged in these activities. There also has been anecdotal evidence of trafficking in women to work in sweatshops in textile, clothing, and footwear industries as well as in service industries, sometimes as bonded labor.

There have been some instances of women being forced to work as sex workers in the country by organized crime groups. There are some reports of women working in the sex industry becoming mired in debt or being physically forced to keep working, and some of these women are under pressure to accept hazardous working conditions especially if their immigration status is irregular. Some women have been subjected to what is essentially indentured sexual servitude in order to pay off a "contract debt" to their traffickers in exchange for visas, plane tickets, food, and shelter. However, the available evidence suggests that these cases are not widespread. Some women working in the sex industry were not aware prior to entering the country that this was the kind of work they would be doing. Investigations in past years by DIMIA have found women locked in safe houses with barred windows, or under 24-hour escort, with limited access to medical care or the outside world. These women have been lured either by the idea that they would be waitresses, maids, or dancers or, in some cases, coerced to come by criminal elements operating in their home countries. There are also reports of young women and children, primarily from Asia, being sold into the sex industry by impoverished families.

Prostitution is legal or decriminalized in many areas of the states and territories, but health and safety standards are not well enforced and vary widely. In September 1999, the Criminal Code Amendment (Slavery and Sexual Servitude) Act came into force. The act modernizes the country's slavery laws, contains new offenses directed at slavery, sexual servitude, and deceptive recruiting, and addresses the growing and lucrative trade in persons for the purposes of sexual exploitation. The act provides for penalties of up to 25 years' imprisonment and is part of a federal, state, and territory package of legislation. No prosecutions have been brought under this federal law.

Under the act, conduct that amounts to slavery, or exercising a power of ownership over another person, carries a maximum penalty of 25 years' imprisonment. Where a person is engaged to provide sexual services and who, because of force or threats, is not free to cease or to leave, those responsible face penalties of up to 15 years' imprisonment, or 19 years if the victim is under age 18. A person who deceptively induces another person to provide sexual services faces a penalty of up to 7 years' imprisonment, or 9 years if the victim is under age 18. Under the laws of the various states, it is illegal for an adult to have sex with a minor.

Another government initiative was the 1994 Child Sex Tourism Act, which provides for the investigation and prosecution of citizens who travel overseas and engage in illegal sexual conduct with children. Under the act, there have been 11 prosecutions, resulting in 7 convictions. Another case was pending at year's end.

During the year, the Customs Service increased monitoring of all travelers (men, women, and children) entering the country who it suspected were involved in the sex trade, either as employees or employers.

In September the Department of Immigration and Multicultural and Indigenous Affairs created an antitrafficking unit in New South Wales to assess the extent of trafficking in the Sydney area; at year's end, the assessment was ongoing. In October Australian Aid (AUSAID) began a development project on the prevention of trafficking in Southeast Asia. Fieldwork in specific Southeast Asian states is to begin in 2002. Through AUSAID the country also has sponsored training courses for travel agents and others to help prevent child sex tourism. It has participated in a multidonor U.N. Development Program project focussing on trafficking in women and children and an International Organization for Migration project to assist in the return and reintegration of trafficked and vulnerable women in Southeast Asian countries.

There are no NGO's devoted specifically to trafficking victims; however, trafficking victims may obtain assistance from NGO's that run shelters for women and youth, sex worker organizations, and Project Respect, a consortium of organizations that combats exploitation or trafficking of adults and children for pornography. Some of these assistance organizations receive government funding; others are funded privately.

BRUNEI

Brunei Darussalam, a small, wealthy monarchy, is a sultanate ruled by the same family for 600 years. The 1959 Constitution provided for the first delegation of political power by the late Sultan Omar Ali Saifuddin to an appointed council of state, but in 1962 he invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers have been regularly renewed, most recently in July 2000. In August 2000, the Foreign Minister confirmed that a review of the Constitution had been submitted to the Sultan for approval, and that "an element of an election" was in this report. Although not all the articles of the Constitution are suspended, the state of emergency places few limits on the Sultan's power. The Sultan also serves as Prime Minister, Minister of Defense, Minister of Finance, Chancellor of the national university, Superintendent General of the Royal Brunei Police Force, and leader of the Islamic faith. The Constitution does not specifically provide for an independent judiciary; however, in general the courts appear to act independently.

The police force, which has responsibility for internal security, and which includes an Internal Security Department, reports to the Sultan, who maintains firm control over it.

Brunei's large oil and natural gas reserves, coupled with its population of 340,000, give it a high per capita gross domestic product of over \$14,000. The worldwide recovery in oil prices that began in 1998 has helped restore the country's cash flow; however, the economy still continued to feel the effects of the Amedeo Development Corporation's 1997-98 collapse. The Government accused the Corporation's head, the Sultan's brother Prince Jefri, of misappropriating \$16 billion of the country's foreign reserves.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties, and problems remain. In practice citizens do not have the right to change their government, and they generally avoid political activity of any kind. Constitutional provisions notwithstanding, citizens do not genuinely exercise the freedoms of speech, press, assembly, and association. Other human rights problems continued, including restrictions on religious freedom and discrimination against women. Despite government efforts, occasional societal violence against women remains a problem. Labor rights are circumscribed, and foreign workers, particularly in the garment sector, are subject to exploitation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory punishment for 42 drug-related and other criminal offenses and for vandalism. Sentences of caning are carried out in the presence of a doctor who monitors implementation and has the authority to interrupt and postpone the punishment for medical reasons. Caning generally is included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly prefer caning to lengthy incarceration.

Prison conditions generally meet international standards. There is no overcrowding; however, there is a growing prison population. Prisoners receive regular medical checkups. Remand cells at police stations are Spartan.

Human rights monitors are not known to have requested prison visits; however, foreign diplomats have visited prisoners. Family members also may visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for a prompt judicial determination regarding the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally has used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees is published only after they are released. Muhamad Yasin Abdul Rahman, age 76, who played a pivotal role in the abortive 1962 rebellion, was detained without trial for 12 years from 1962 to 1973, when he escaped from prison to live in exile in Malaysia. He returned to the country in 1997 and immediately was arrested and detained once more without trial. In 1999 he was released from detention after swearing an oath of loyalty to the Sultan and admitting his political “crimes.”

In 1998 authorities briefly detained several citizens under the ISA for distributing allegedly defamatory letters containing allegations about the royal family and senior government officials connected with the collapse of the Amedeo Group, a large holding company headed by the former Finance Minister and Sultan’s brother, Prince Jefri. The Government warned citizens that it would take action against anyone involved in such activities. There were no known arrests for publishing or distributing antigovernment literature during the year.

In late 2000 and early 2001, the Government used the ISA to detain at least seven Christian citizens for alleged subversive activities. All were released during the year, the last three in October. Government officials maintain that the detentions were for security not religious reasons (see Section 2.c.).

Normally a magistrate must endorse a warrant for arrest. Warrants are issued without this endorsement on rare occasions, such as when police are unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

Under a colonial-era law, the Sultan may forcibly exile either permanently or temporarily any person deemed to be a threat to the safety, peace, or welfare of the country. Since independence there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial.—The Constitution does not specifically provide for an independent judiciary. However, in 1996 in a landmark legal decision, the appellate-level High Court ruled that the court has powers independent of the prosecution and ordered a discharge in a car theft case under review, which amounted to an acquittal under the Criminal Procedure Code. The Government has not yet challenged the court’s finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge. In general the courts appear to act independently.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and no trials of political opponents.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari’a (Islamic law) supersedes civil law in some areas, in-

cluding divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law permits government intrusion into the privacy of individual persons, families, or homes; however, such intrusion rarely occurs, except in cases of enforcement of “khalwat,” an Islamic prohibition regarding close proximity of a Muslim with a member of the opposite sex who is not one’s spouse. The Government at times prevents the importation of foreign newspapers and magazines (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Under the emergency powers in effect since 1962, the Government restricts significantly freedom of speech and of the press.

On October 1, legislation that could be used to reduce press freedom significantly took effect. Among other restrictions, it requires that the local newspapers obtain operating licenses, as well as prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications, and requires distributors of foreign publications to obtain a government permit. The new law allows the Government to close a newspaper without prior notice and without showing cause. Journalists deemed to have published or written “false and malicious” reports are subject to fines or prison sentences.

Prior to the promulgation of this new law, there were no laws specifically restricting freedom of speech and freedom of the press; however, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that were found objectionable, embarrassing, or critical of the Sultan, royal family, or government at times were not allowed into the country. Magazine articles with a Christian theme reportedly were censored (see Section 2.c.). However, the growing use of fax machines, the Internet, and access to satellite transmissions make it increasingly difficult to keep such material from entering the country.

The country’s largest circulation daily newspaper, the Borneo Bulletin, appeared to practice self-censorship in its choice of topics to avoid angering the Government. However, letters to the editor often included comments critical of the Government’s handling of certain social, economic, and environmental issues. In 1999 a second daily English-language newspaper, the News Express, began publication. It also features a letters page where citizens and residents expressed their views and complaints, often about government services and, increasingly, about government policy. The newspapers’ willingness to publish these expressions of opinion represented a modest extension of press freedom. The Government on occasion has been responsive to public opinion on some issues concerning social or environmental problems.

Although the only television station is government owned, three Malaysian television channels also are received locally. Two satellite television networks are available, which offer a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government’s tolerance of political criticism has not been tested lately because there is no organized opposition. Moreover, citizens generally make almost no criticism of the Government. In the past, the Government has not hesitated to arrest those who attempted to propagate unwelcome political views.

The Government places no apparent restrictions on Internet use, which is widespread. Two popular electronic bulletin boards contain postings that are sometimes critical of government actions. The country’s primary Internet service provider is state owned.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—Under the emergency powers in effect since 1962, the Government restricts significantly the right to assemble. Freedom to assemble for political purposes has not been tested seriously in recent years.

Political parties ostensibly are allowed, but they are not to engage in “activities that endanger people.” Membership is open to all citizens, except civil servants and security force personnel, who together make up 60 percent of all employed citizens. The Government in practice permits only one political party to operate, the Brunei Solidarity National Party (PPKB). It held assemblies in February 1995, April 1998, February 2000, and October 2001, reportedly with the consent of the Government. Until its October meeting, the party appeared to be largely inactive and marked by internal strife. In October 1998, the Prime Minister’s Office rebuked PPKB President Haji Mohamed Hatta regarding an interview he gave to a regional newsmaga-

zine. The Prime Minister's Office described Hatta's portrayal of Brunei as "irresponsible, untrue, inaccurate, misleading, and embarrassing." Hatta was reelected as PPKB president in October, and the Party has pledged to support government policies.

The activities of international service organizations such as Rotary, Kiwanis, and the Lions continued to be restricted by the Government, which in 1995 reminded local leaders of these organizations that Muslims may not be members. Any non-governmental organization seeking to operate in the country must apply for permission under the Companies Act.

c. Freedom of Religion.—The Constitution states that, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam;" however, the Government routinely restricts the practice of non-Islamic religions.

The Government has voiced alarm about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs. For example, the Islamist Al-Arqam movement remains banned. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) have been "shown the error of their ways" in study seminars organized by mainstream Islamic religious leaders. The Government seems more concerned about these so-called Islamic "opportunists" than unwelcome political views. Moreover the Government does not hesitate to investigate and to use its internal security apparatus against persons whom it considers purveyors of radical Islam or non-Muslims who attempt to proselytize.

The Government reinforces the legitimacy of the hereditary monarchy and the observance of traditional and Islamic values by reasserting a national ideology known as the Malayhu Islam Beraja (MIB) or "Malay Muslim monarchy." The Government in 1993 participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricts the practice of non-Muslim religions by prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in 1998, the Government allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country's first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but as yet there is no broad trend toward increased religious freedom.

Non-Muslims who proselytize may expect to be arrested or detained, and possibly held without charges for an extended period of time. In late 2000 and early 2001, the Government used the ISA to detain at least seven Christians for allegedly subversive activities; they were not charged with a crime. The detainees subsequently were released, the last three in October. Government officials maintain that the detentions were a security, not a religious, matter (see Section 1.d.).

The Government also routinely censors magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols. Government officials also guard against the distribution and sale of items featuring undesirable photographs of religious symbols.

The authorities sporadically conduct raids on clubs frequented by foreign residents and foreign workers in order to confiscate alcohol and foodstuffs that were not prepared in accordance with "halal" requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). These actions are regarded by the majority of citizens as upholding Islam. In July 2000, the Government briefly detained for questioning local members of a small Islamic group after the group's members in Malaysia reportedly were involved in an arms theft.

The Ministry of Education requires courses on Islam or the national ideology, the Malay Muslim monarchy, in all schools. It prohibits the teaching of other religions. The Ministry requires that all students, including non-Muslims, follow a course of study on the Islamic faith and learn the "jawi" (Arabic script). The International School of Brunei and the Jerudong International School are exempt from these restrictions. Private mission schools are not allowed to give Christian instruction and are required to give instruction about Islam; however, the Government does not prohibit or restrict parents from giving religious instruction to children in their own homes. In January 2000, the Government responded to objections from parents and religious leaders and set aside tentative plans to require that more Islamic courses be taught in private, non-Islamic parochial schools.

The Government requires residents to carry an identity card that states the bearer's religion; however, the Government no longer requires visitors to identify their religion on their landing cards.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts the movement of former political prisoners during the first year of their release. Otherwise the Government generally does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad; it is granted routinely.

No legal provision exists for granting temporary refuge, first asylum, or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

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

Citizens may not change their government; the country is a monarchy, and there are no established democratic processes. Under the continuing state of emergency, there is no parliament, and political authority and control rests with the Sultan. Individuals may seek to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public (see Section 2.a.).

A form of popular representation lies in a traditional system of village chiefs who are elected by secret ballot by all adults. These leaders communicate constituents' wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. In 1996 the Sultan presided at the first, and thus far only, General Assembly of the "mukim" (a group of villages) and village consultative council. Over 1,000 village chiefs from 150 villages and 35 mukim participated as delegates. The delegates were elected from among individual villagers, and the Government described the Assembly as "a grass roots level political system." However, the Sultan appoints all the council's advisers. Meetings between senior government officials and mukim representatives allow for airing of local grievances and concerns.

The Sultan has an appointed Cabinet, the members of which serve as his principal advisers.

The lack of representative democratic government seriously limits the role of both men and women in government and politics, although women are limited to a greater extent; however, women are making progress. The Sultan's sister, Princess Masna, is the second ranking official in the Ministry of Foreign Affairs. The first female High Court judge was appointed in 1999, since 2000 a woman has been director of the Anticorruption Bureau, and both the Solicitor General and the Assistant Solicitor General are women.

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

Any nongovernmental organization seeking to operate in the country must apply for permission under the Companies Act. No government or private organizations deal specifically with the protection of human rights. The Government has a human rights dialog with a foreign embassy. There were no known allegations of abuses or requests to visit by international human rights groups.

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

The Constitution does not contain specific provisions prohibiting discrimination based on the factors listed above, with the exception of discrimination based on religion (see Section 2.c.).

Women.—The extent to which spousal abuse may occur, and to which it goes unreported, is not known. In 1999 the police recorded 91 cases of domestic abuse, compared with 72 in 1998. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit exists within the police department to investigate domestic violence complaints. Female officers staff the unit. A hot line is in service for abused spouses and the public to report domestic violence. During 1999 approximately 10 women and their children stayed at a women's shelter run by the Social Affairs Services unit of the Ministry of Culture (more recent figures have not been made available). The Social Affairs Services unit provides counseling for women and their spouses. In 1999 a photograph of a man accused of stabbing his wife and assaulting one of

his children was published in a daily newspaper, a new development in a country in which privacy generally is guarded closely. While Islamic courts usually discourage divorce in domestic violence cases, there appears to be a movement away from encouraging wives to reconcile with flagrantly abusive spouses. Islamic religious authorities recognize wife beating as grounds for divorce.

In September 2000, two members of the Royal Brunei Armed Forces were sentenced to 4 years' imprisonment and three strokes of the cane for the attempted molestation and sodomy of a 20-year-old deaf girl.

One area of apparent abuse involves female domestic servants (see Sections 6.c., 6.e., and 6.f.). While the level of violence in society is low, the beating of servants—or refusing them the right to leave the house on days off, sometimes on grounds that they “might encounter the wrong company”—is less socially unacceptable behavior. Since most female domestics are foreign workers who are highly dependent on their employers, those subject to abuse may be unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints are brought, the Government generally is quick to investigate allegations of abuse and impose fines and punishment as warranted.

Prostitution is illegal. Women entering the country for purposes of prostitution generally are deported swiftly (see Section 6.f.).

In accordance with Koranic precepts, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. Under the law, citizenship is transmitted through the father. Female citizens who are married to foreigners or bear children by foreign fathers cannot transmit citizenship to their children, even when such children are born in the country. This has resulted in a number of “stateless” residents, who are entitled to live in the country and to be documented for travel by the Government, but who do not enjoy the full privileges of citizenship, including the right to own land.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women who do not have university degrees are eligible to hold government positions only on a month-to-month basis. While some previous inequities have been eliminated, women in month-to-month positions continue to receive slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There are no separate pay scales for men and women, and in recent years there has been a major influx of women into the work force. Women serve in a wide variety of capacities in the armed forces, although they are not permitted to serve in combat. The number of female university graduates is increasing, and nearly two-thirds of Brunei University's entering class is female.

Religious authorities strongly encourage Muslim women to wear the tudong, a traditional head covering, and many women do so. However, some Muslim women do not, and there is no official pressure on non-Muslim women to do so. All female students in government-operated schools are required to wear the tudong; students in nongovernment schools are encouraged to wear it.

In 1999 the Married Women's Law came into effect, improving significantly the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. Changes to the Islamic Family Law (in the section on Women's Position in Marriage and Divorce) came into effect in 1999 and are expected to improve the marital rights of Muslim women.

Children.—No statistics are published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provides most children a healthy and nurturing environment. Education is free, compulsory, and universal for 9 years, after those first 9 years, it is still free but no longer compulsory. With a few exceptions involving small villages in extremely remote areas, nutritional standards are high, and poverty is almost unknown. Medical care for all citizens, including children, is heavily subsidized and widely available. There were 4 reported cases of child abuse in 2000.

Persons with Disabilities.—The law does not mandate accessibility or other assistance for persons with disabilities. The Government is attempting to provide educational services for children with disabilities, although these efforts are not yet adequate. Teachers still must be trained to deal with children with disabilities, and some such children have no educational opportunities. A special facility with trained educators is needed to accommodate the children with disabilities who cannot be assimilated into normal classrooms, and the Ministry of Education continued to study the problem.

Indigenous People.—The 6 percent of the population that is composed of indigenous people long has been integrated into society, and enjoys the same rights as other citizens.

National/Racial/Ethnic Minorities.—Some members of non-Malay minorities, such as ethnic Chinese, including those born and raised in the country, are not automatically accorded citizenship and its attendant rights and must travel abroad as stateless persons. The country's colonial-era naturalization laws are viewed widely as out-of-date and in need of reform.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are legal but must be registered with the Government. The Government has not prevented the legal registration of trade unions, nor has it dissolved any. While unions are legal and easy to register, conditions are not conducive to the development of trade unions. There is little interest on the part of workers in forming trade unions, and existing unions are not very active. There are few industries of the kind in which unions traditionally have developed. In addition, cultural tradition favors consensus over confrontation. The three registered trade unions are all in the oil sector and have a total membership amounting to less than 5 percent of that industry's work force. All workers, including civil servants other than those serving in the military and police, may form or join trade unions. Unions are independent of the Government.

The law permits the formation of trade union federations but forbids affiliation with international labor organizations. An individual contract is required between an employer and each employee, but legal trade union activities may not be deemed to violate employee contracts. In the past, some local legal experts interpreted this provision as conferring the right to strike. However, under the law, strikes are illegal. During the year, foreign workers at various garment factories in the country carried out work stoppages to protest poor working and living conditions, as well as payroll deductions (see Section 6.e.). Brunei is not a member of the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively.—The Government did not interfere with lawful union activity during the year. It is illegal to refuse employment or discriminate against an employee on the basis of membership or nonmembership in a trade union. The law is silent on collective bargaining, and it occurs in only a few industries. Wage and benefit packages are based on market conditions and tend to be generous.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ).

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there are no reports that such practices occurred.

There were reports of domestic bondage under which foreign domestic workers work extremely long hours and are not permitted rest days. Their passports allegedly are held by employers to prevent their departure; there are as well anecdotal reports of such workers not being paid. Employment agents in Brunei and other countries reportedly bring some workers to the country under false pretenses of well-paying jobs as teachers or shop assistants, only to later force them to accept jobs as laborers. Other workers, most notably in the garment industry, often are obliged to sign new employment contracts upon their arrival in the country that reduces their promised salaries through substantial monthly payments to their employment sponsors or agents. Living and working conditions for these persons generally are poor.

There were reports of Indonesians being trafficked to Brunei (see Section 6.f.).

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Various laws prohibit the employment of children below the age of 16. Parental consent and approval by the Labor Commission is required for those below the age of 18. Female minors under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforces laws on the employment of children. There were no reports of violations of the child labor laws. The Government prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

The Government adheres to the standards of ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Due to the ongoing economic downturn, unemployment has grown in recent years. However, most citizens still command good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspects

working conditions on a routine basis and in response to complaints. The DOL generally enforces labor regulations effectively. However, in the unskilled labor sector enforcement is lax, especially for foreign laborers (see Section 5). The DOL may close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so in the past. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but in practice this is unlikely to happen.

Approximately 80,000 foreign nationals work in the country. There were reports of cases of domestic bondage of foreign domestic workers (see Section 6.c.). There also have been isolated reports of employers physically beating domestic employees or not providing them adequate food. The Government has prosecuted some such cases; however, since most female domestics are foreign workers who are highly dependent on their employers, those subject to abuse may be unwilling or unable to bring complaints (see Sections 5, 6.c., and 6.f.).

About 20,000 foreigners work in the garment industry. Workers and observers have protested conditions in some factories in that industry, including inadequate accommodations, unsanitary facilities, and relatively large deductions from pay. Bangladesh reportedly no longer permits its nationals to work in garment factories in Brunei. The Philippine Embassy assisted some of its nationals who wanted to return to the Philippines due to poor living and working conditions at one garment factory (see Section 6.a.).

f. Trafficking in Persons.—The Law for the Protection of Women and Girls prohibits trafficking in women and girls, whether or not for the purpose of prostitution. There are occasional reports of women entering the country for purposes of prostitution (which is illegal), but they usually are deported swiftly. Although there are no laws that specifically refer to trafficking in men and boys, there are laws that criminalize aspects of trafficking. There were reports that Indonesians were trafficked to the country to work in construction.

Employment agents in Brunei and other countries reportedly bring workers to the country from Indonesia, Malaysia, the Philippines, Pakistan, and other countries under false promises of well-paying jobs as teachers or shop workers only to force them later to accept jobs as laborers or agricultural workers. There also were reports of employers confiscating the passports of domestic workers in order to prevent them from leaving the country (see Section 6.c.).

BURMA

Burma is ruled by a highly authoritarian military regime. Repressive military governments dominated by members of the majority Burman ethnic group have ruled the ethnically Burman central regions and some ethnic-minority areas continuously since 1962, when a coup led by General Ne Win overthrew an elected civilian government. Since September 1988, when the armed forces brutally suppressed massive prodemocracy demonstrations, the State Peace and Development Council (SPDC), a junta composed of senior military officers, has ruled by decree, without a constitution or legislature. The Government is headed by armed forces commander Senior General Than Shwe, although Ne Win, who retired from public office during the 1988 prodemocracy demonstrations, continued to wield informal influence. In 1990 the junta permitted a relatively free election for a parliament to which it had promised to transfer power. Voters overwhelmingly supported antigovernment parties, with the National League for Democracy (NLD) winning more than 60 percent of the popular vote and 80 percent of the parliamentary seats. Since the 1990's, the junta systematically has violated human rights in the country to suppress the prodemocracy movement, including the NLD, and to thwart repeated efforts by the representatives elected in 1990 to convene. Instead, the junta convened a government-controlled "National Convention" intended to approve a constitution that would ensure a dominant role for the armed forces. Since 1995 the NLD has declined to participate in the National Convention, perceiving both its composition and its agenda to be tightly controlled by the junta. Since October 2000, the Government has met with NLD general secretary and Nobel laureate Aung San Suu Kyi regarding the terms of a potential future transition to democracy. The substance of these talks remains secret but the results have included some loosening of government restrictions on NLD activities. More than a dozen armed ethnic groups continued to rule or to exercise some governmental functions in peripheral ethnic minority areas under various cease-fire agreements negotiated with the junta between 1989 and 1995. The judiciary is not independent of the junta.

Since 1988 the junta has more than doubled the size of the armed forces, from approximately 175,000 to more than 400,000 men, and has increased the Govern-

ment's military presence throughout the country, especially in ethnic minority areas. The Government reinforces its firm military rule with a pervasive security apparatus led by the military intelligence organization, which was renamed the Defense Services and Intelligence Bureau (DSIB) during the year. Control is reinforced by arbitrary restrictions on citizens' contacts with foreigners, surveillance of government employees and private citizens, harassment of political activists, intimidation, arrest, detention, and physical abuse. The Government justifies its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

The country has a population of approximately 50 million. Average annual per capita income estimated to be approximately \$300. Almost 4 decades of military rule and mismanagement have resulted in widespread poverty, poor health care, and low educational standards. Primarily an agricultural economy, the country also has substantial mineral, fishing, and timber resources. Economic growth has slowed since the mid-1990's, as the junta has retreated from economic liberalization. Extensive state influence over the economy, widespread corruption, and poor infrastructure remain problems.

The Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to be subject at any time without appeal to the arbitrary and sometimes brutal dictates of the military. Citizens do not have the right to change their government. There were credible reports, particularly in ethnic minority areas, that security forces continued to commit extrajudicial killings and rape. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Prison conditions remained harsh and life threatening, although conditions have improved slightly in some prisons since the International Committee of the Red Cross (ICRC) was allowed access to prisons beginning in 1999. Arbitrary arrest and detention for expression of dissenting political views continued to be a common practice, although this decreased to some extent during the year. After holding Aung San Suu Kyi incommunicado twice in September 2000, the Government continued to hold her under house detention throughout the year. Although the Government has allowed other NLD leadership members and representatives of foreign governments and international organizations to visit her on a regular basis, it has controlled such meetings. The Government has loosened restrictions somewhat on NLD activities, particularly in the Rangoon Division, and released approximately 202 political prisoners. However, in November the Government extended sentences for 10 political prisoners for an additional 7 years. At year's end, the Government continued to hold 20 members-elect of Parliament from the 1990 elections and over 800 NLD supporters as part of a government effort to prevent the parliament elected in 1990 from convening. Since 1962 thousands of persons have been arrested, detained, or imprisoned for political reasons; more than 1,500 political prisoners remained imprisoned at year's end. The judiciary is not independent, and there is no effective rule of law. However, the Government apparently has halted its campaign to intimidate independent lawyers by arbitrarily arresting and sentencing them on fabricated charges. The Government regularly infringes on citizens' privacy rights, and security forces continued to monitor citizens' movements and communications systematically, to search homes without warrants, and to relocate persons forcibly without just compensation or due process. During the year, persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and harassment. Security forces continued to use excessive force to violate international humanitarian law in internal conflicts against ethnic insurgencies. The Government also continued to forcibly relocate large ethnic minority populations in order to deprive armed ethnic groups of civilian bases of support.

The Government continued to restrict severely freedom of speech, press, assembly, and association. Since 1990 the junta has prevented the NLD and other prodemocracy parties from conducting normal political activities, pressured many thousands of members to resign from the NLD, and closed party offices nationwide. However, during the year, the Government allowed 31 NLD offices in the Rangoon Division to reopen, although it closely monitors NLD activities at these offices, as well as the activities of other political parties throughout the country. The junta recognizes the NLD as a legal entity; however, it refuses to accept the legal political status of key NLD party leaders, particularly Aung San Suu Kyi, and restricts their activities severely through security measures and threats. The junta continued to restrict freedom of movement and, in particular, foreign travel by female citizens.

The junta restricted freedom of religion; it maintained its institutionalized control over Buddhist clergy and restricted efforts by some Buddhist clergy to promote human rights and political freedom. The Government also coercively promoted Buddhism over other religions in some ethnic minority areas and imposed restrictions

on certain religious minorities. Violence against the Muslim minority including incidents in which the Government may have been complicit, increased during the year. The Government imposed restrictions on certain religious minorities.

The Government did not allow domestic human rights organizations to exist and remained generally hostile to outside scrutiny of its human rights record. However, for the first time in 6 years, the government allowed the U.N. Special Rapporteur on Human Rights in Burma to visit the country. In September and October, the Government permitted a high-level team appointed by the ILO Director-General to travel extensively in the country to assess the situation regarding forced labor. During the year violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Other forced labor, including forced child labor, also remains a serious problem, despite recent government ordinances outlawing the practice and the ILO's call for sanctions against the country. The forced use of citizens as porters by the army—with attendant mistreatment, illness, and sometimes death—remained a common practice. Trafficking in persons, particularly in women and girls mostly for the purposes of prostitution, remained widespread.

Ethnic insurgent forces reportedly committed numerous human rights abuses, including killings, rapes, forced labor, and the forced use of civilians as porters.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In previous years, the Government killed persons for political reasons; however, there were no reports of political killings during the year. According to the Chin Human Rights Organization, a local nongovernmental organization (NGO), in June 2000, the commander of the 266th Light Infantry Battalion killed Zo Thang, a monitor for the NGO, as well as two associates, in Bung Khua village, Chin State (see Section 4). The incident could not be confirmed independently.

There continued to be many credible reports of extrajudicial killings by soldiers of noncombatant civilians, particularly in areas of ethnic insurgencies (see Sections 1.g. and 5). The Shan Human Rights Foundation (SHRF) and the Karen Human Rights Group (KHRG), among others, reported numerous cases throughout the year of military troops killing civilians in border areas, often after confiscating property or torturing the individuals. For example, the SHRF reported that on January 2, army troops shot and killed six farmers on the outskirts of Nam-Zarng township who were attempting to divert water from a stream to their rice paddies. The SHRF reported that also in January, in the same area, a villager who was gathering firewood with his daughter was interrogated and beaten to death (see Section 1.c). Also in January, in Murng-Nai, military troops reportedly beat to death a Palaung villager in his house, raped his wife, and stole his property. While the reports appear credible, they are not confirmed by other independent sources.

There were credible reports that army soldiers shot and killed many unarmed ethnic Shan villagers in several incidents in the country during the year (see Section 1.g.). There were reports that soldiers raped and killed women and killed persons who sought to prevent such rapes (see Section 1.g.). According to SHRF, on March 30, SPDC troops gang-raped a woman in Murng-Ton township after the troops had tortured and killed her uncle (see Section 1.c.). According to the SHRF, on July 7, army soldiers killed 17 persons, including members of a Shan ceasefire group, who had come to work as day-laborers. In addition, the SHRF reported that seven villagers in Shan State who had lodged a complaint with SPDC military authorities regarding the increasing use of forced labor by the army were killed on July 14. The International Labor Organization's (ILO) High Level Team, which visited the country in September, reported the incident to Senior General Than Shwe. The ILO's governing body asked for a full explanation of the incident. In its reply, the Government maintained that the incident had never taken place and that the report was fabricated by the SHRF. There were numerous other reports of SPDC soldiers killing forcibly displaced persons who were unable to help locate Shan soldiers. According to the SHRF, there were reports in January that troops kicked and beat to death 3 villagers who denied knowing the whereabouts of Shan soldiers. On March 2 troops reportedly beat, tortured and killed 14 displaced villagers in Huay Pa Khi (see Section 1.c.).

Brutal treatment by soldiers also caused deaths among those conscripted as military porters. According to reports, porters who no longer are physically able to work often either are abandoned without medical care or assistance, or are killed. According to one report from the Karen National Union (KNU), at least 200 prisoners from

the Tavoy jail in Tenasserim Division were conscripted by the army as laborers to construct a front-line camp. The prisoners were tied together in groups of five and guarded by 40 soldiers. As prisoners weakened and could no longer work, they were shot. A total of 11 of the prisoners reportedly were killed. There are similar credible reports of the use by the military of over 300 prisoners taken from jails in Shan State for use as porters. There were no reports that soldiers involved in past killings or other abuses were investigated or punished during the year.

As in previous years, some inmates died in prisons and labor camps, or shortly after being released from them, due to torture or denial of adequate medical care (see Section 1.c.). In July political prisoner Khin Maung Myint died of unknown causes in Kalay prison in the northwest.

Some insurgent groups also committed killings. According to the Government, the Karenni National Progressive Party killed seven villagers who refused to join their ranks in Loikaw Township on December 30. The Government also has alleged that the KNU killed three villagers in Thanbyuzayat Township on December 22. The KNU has denied responsibility for the killings.

b. Disappearance.—Throughout the country, as in previous years, private citizens and political activists continued to “disappear” for periods ranging from several hours to several weeks or more, and many persons never have reappeared. The Government does not provide statistics on the number of persons who have disappeared and such statistics are otherwise unavailable. Such disappearances generally were attributed to government authorities detaining individuals for questioning without the knowledge of their family members, or the army’s practice of seizing private citizens for portage or related duties, often without the knowledge of their family members (see Section 1.c. and 6.c.). In many cases, the individuals who were detained for questioning were released soon afterward and returned to their families. Such tactics usually are intended to prevent free political expression or assembly (see Section 2.a.). The whereabouts of persons seized by army units to serve as porters, as well as of prisoners transferred for labor or portage duties, often remained unknown. There also were reports of private citizens who were killed while serving as porters (see Section 1.a.). Families members generally learn of their fates only if fellow prisoners survive and later report information to the families.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are laws that prohibit torture; however, members of the security forces regularly tortured, beat, and otherwise abused prisoners and detainees and other citizens. The Government routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. The most common forms of mistreatment are sleep and food deprivation, beatings coupled with around-the-clock questioning under bright lights, near suffocation with plastic bags, confinement in leg clamps, and forcing water in the nose and throat. There are credible first-hand reports that, during interrogations, officials place metal rods between prisoners’ fingers and squeeze them in an attempt to injure the prisoners’ hands, and pour hot wax on prisoners’ backs. There continued to be credible reports that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. According to SHRF, in early May, community leaders in Murng-ton were detained, then beaten and tortured, including by electric shocks, until they lost consciousness.

In late August 2000, during the first 2 days of a 9-day political standoff, security forces refused to permit local residents to distribute food, water, or medicine to Aung San Suu Kyi and a number of her NLD colleagues; they also interfered with several subsequent deliveries of provision and did not allow Aung San Suu Kyi access to her doctor. Aung San Suu Kyi later was placed under house arrest (see Sections 1.d., 2.d., and 3). In previous years, police sometimes beat NLD members during confrontations.

There continued to be many credible reports that security forces subjected citizens to harassment and physical abuse. The military forces routinely confiscate property, cash, and food, and use coercive and abusive recruitment methods to procure porters. Persons forced into portage or other labor faced extremely difficult conditions, and beatings and mistreatment that at times resulted in death (see Sections 1.a., 1.g., and 6.c.). For example, according to an SHRF report, in February army troops forced 36 civilian porters, aged 18 to 57, in Murng-Sart township, to carry ammunition to military outposts in the Loi Larng area. One of the older porters, who reportedly became ill and could not continue, was beaten to death (see Section 1.a.). The report could not be confirmed by other independent sources.

According to the SHRF, the military requires all Rohingya farmers from a village in Northern Rakhine State to provide 10 days of labor a month to the military. If they arrived late for their duty, the local major reportedly forced them to roll down a bramble covered hill. Numerous other Rohingya men claim that all men from their

village must work one day every 2 weeks as porters to carry food and ammunition to military camps near Bangladesh. The men claim that the trip is dangerous, and that the soldiers beat them with bamboo canes (see Section 5 and 6.c.).

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy; such forced relocations continued during the year, particularly along the Thai border. Thousands of villagers either fled or were driven from their homes, where they lived in makeshift forest shelters, frequently in heavily mined areas without adequate food, security, or basic medical care. The Karen Human Rights Group reported that the army and armed groups allied with the Government, such as the Karen Buddhist Army (DKBA), enter villages, and force villagers to relocate, confiscate their land and other property, and force them into labor.

Army members have beaten, raped, and killed persons who resist. There are numerous reports that SPDC troops loot and confiscate property and possessions from forcibly relocated persons, or persons who are away from their homes; these materials often are used for military construction.

Throughout the year, there were numerous credible reports of extensive government mistreatment and exploitation of farmers, particularly those unable to meet government quotas. Many farmers were forced to sell their crops, land, and cattle for significantly less than the market rate; some persons were detained, and the Government seized the property of others (see Sections 1.d.).

There were frequent reports that army soldiers and other army personnel raped women who were members of ethnic minorities, especially in Shan, Karenni, and Karen States (see Section 1.g.). The SHRF reported that army officers raped at gunpoint women who had been conscripted to work on the construction of a road between Murg-Pan township and Ton Hung (see Section 6.c.). The SHRF also reported that in Kholan village, after conscripting men and women into forced labor, army troops raped the women (see Section 6.c.). Corruption among local government officials is widespread and includes complicity in the trafficking of persons (see Section 6.f.).

The SHRF reported that beginning in April, army troops near Murg-Pan township have forced villagers to work on the construction of a road between Murg-Pan and Ton Hung. The military reportedly has required local residents to provide 80 laborers every 10 days on a rotational basis. Both men and women are conscripted and some of the women have been raped at gunpoint by the military. According to another SHRF report, army troops at Kho Lam village conscripted men and women to serve as forced laborers at their military outpost. At the camp, the women were separated from the men and reportedly raped. There were many similar, unconfirmed reports throughout the year (see Section 5).

Members of insurgent forces also reportedly raped civilians.

Prison conditions generally remained harsh and life-threatening. The Government's Department of Prisons operates approximately 35 prisons and more than 100 labor camps throughout the country. Little is known regarding the conditions in labor camps, but reportedly the mortality rate of prisoners in labor camps is extremely high (see Section 6.c.). In the prisons, food, clothing and medical supplies reportedly are in very short supply. Bedding, if any, consists of a single mat on the floor. Prisoners must rely on their families, who are allowed to visit once every 2 weeks for 15 minutes per visit to provide for basic necessities. HIV infection rates in prison reportedly are high due to communal use of single syringes for injections. There also were credible reports that the health of several political prisoners deteriorated during the year, and that at least six died in prison (see Section 1.a.).

According to a report by the KNU, security forces reportedly shot and killed a total of 11 prisoners from Tavoy prison when the prisoners became too weak to continue to work on the construction of a military camp (see Section 1.a.).

Throughout the year, the Government transferred many prisoners, including NLD members, from Insein prison to prisons far from Rangoon, in which conditions are much harsher and where it is more difficult for families to visit them. There also were credible reports that at least a few prisoners have been denied adequate medical care. In July 1999, NLD member-elect of parliament Kyaw Min died of hepatitis that he contracted while in prison; he had been detained from 1996 to 1998 without trial and was released to his family just prior to his death. Tun Zaw Zaw, an NLD youth leader lost his sight while in detention; however, he had been released from Insein prison by year's end.

According to the Government, political detainees are separated from common criminals, juveniles from adults, and men from women. According to the ICRC, the Government states that political prisoners should not be subjected to hard labor.

International monitoring of prisons began in May 1999, when the ICRC was allowed unrestricted access to all prisoners in all prisons, detention centers, and labor

camps. During the year, the ICRC visited all prisons in the country at least once and some as many as four times. ICRC visits to labor camps began in March 2000, and continued during the year. There reportedly are over 100 such camps, but 50 to 60 of them are temporary, existing only long enough to complete a specific work project. The ICRC emphasized to the Government the importance of providing for prisoners' basic needs, such as adequate access to drinking water and water for bathing. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners; however, there were reports that political prisoners are moved to local hospitals or other locations before an ICRC visit.

d. Arbitrary Arrest, Detention, or Exile.—There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. For example, after being held incommunicado twice in September 2000, Aung San Suu Kyi was held under house detention without charge throughout the year. Although the Government allowed visitors to meet with her, the visits were controlled (see Section 2.b., 2.d., and 3).

The Government arrested a small number of political activists early in the year. In March the Government sentenced seven Arakan political activists to 7 to 12 years in prison for allegedly inciting riots in the town of Sittwe. Also in March, the Government arrested a Zomi (Chin) National Congress official and sentenced him to 2 years in prison for unlawful association.

Prior to being charged, detainees rarely have access to legal counsel or their families. Political detainees may not be released on bail. Even after being charged, detainees rarely have the benefit of counsel. Some political detainees are held incommunicado for long periods. Section 10a of the Penal Code allows the authorities to extend sentences arbitrarily after prisoners have completed their original term. In 2000 the Government used this provision to extend the terms of at least five political prisoners; however, there were no reports of such extensions during the year.

In addition the sentences some political prisoners are arbitrarily extended after completing their original sentences. Countrywide, it is estimated that over 50 political prisoners are serving extended sentences, including Min Ko Naing, a former political activist and student leader who is reportedly in deteriorating health (see Section 1.e.). In Mandalay 11 prisoners sentenced for political reasons, including Zaw Min, Ne Win, U Tin Aye Yu, U Tin Myint, U Tin Aye, U Khin Maung Thant, U Zarni Aung, U Thein Than Oo, U Kyaw Sein Maung, U Naing Myint, U Htant Nyunt, and Soe Myint have completed their terms, but have not been released. Some members-elect of parliament were released during the year, including 43 members-elect from detention and 24 members-elect from prison.

During the year, as part of the confidence-building associated with ongoing talks between Aung San Suu Kyi and the Government, the Government reduced its campaign of detention and intimidation against the NLD. In June the Government began releasing NLD political prisoners from "guest houses" and prisons. These releases totaled approximately 202 by year's end, and included all members of the NLD's Central Executive Committee (CEC), with the exception of Aung San Suu Kyi. Just prior to the visit of U.N. Special Envoy Ismail Razali in August, the Government released NLD Chairman U Aung Shwe and Vice Chairman U Tin Oo, who had been held under house detention since September 22, 2000. However, an estimated 1,500 political prisoners and detainees remained at the year's end, including 20 members-elect of the Parliament (see Section 1.e.).

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily, at the hands of security forces (see Section 1.b.).

The Government has repeatedly detained and deported foreign journalists (see Section 2.a.).

During the year, there were complaints regarding extensive government mistreatment and exploitation of farmers; numerous farmers were held in custody for failing to meet local production requirements (see Section 1.c.). For example, in Karen State, armed KNPP units threatened farmers with death for nonpayment of taxes. If the farmer pays, the army then imprisons him for 3 years for unlawful association.

Since 1990 when the SPDC refused to recognize the results of the elections and pressured successful candidates to resign, some candidates, as well as thousands of political activists, went into forced exile rather than face threats.

e. Denial of Fair Public Trial.—The judiciary is not independent of the military junta. The junta appoints justices to the Supreme Court which, in turn, appoints lower court judges with the approval of the junta. These courts then adjudicate cases under decrees promulgated by the junta that effectively have the force of law.

The court system, as inherited from the United Kingdom and subsequently restructured, includes courts at the township, district, state, and national levels.

Throughout the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in the handling of political cases. Unprofessional behavior by some court officials, the misuse of overly broad laws—including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and the rule of law. Pervasive corruption further serves to undermine the impartiality of the justice system.

Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted to call and cross-examine witnesses; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Moreover, defense attorneys appear to serve no purpose other than to perpetuate the pretense of a fair trial, since reliable reports indicate that senior military authorities dictate verdicts, regardless of the evidence or the law. In addition, in political cases, trials are not open to the public.

During 2000 the Government initiated an extensive campaign to remove the remaining independent lawyers in the country who might provide advice and counsel to the NLD. The Government arrested and sentenced under fabricated charges nearly every lawyer with perceived connection with the NLD. Cases included those of U Soe Han, a 77-year-old highly respected and nonpolitical lawyer, who was charged with having failed to inform the Government that he planned to stay overnight at his mother's house (see Section 1.f.). Authorities released U Soe Han following his wife's death; however, they rearrested him in September 2000, and sentenced him, along with several other prominent individuals, to 21 years in prison for sending a letter to Senior General Than Shwe and Secretary One Khin Nyunt, urging the Government to release political prisoners and begin a dialog with the NLD. Altogether, the Government jailed more than 40 lawyers during 2000.

During the year, the Government apparently discontinued its campaign against the independent lawyers who might provide advice and counsel to the NLD. There were no new such arrests during the year and NLD members appeared to be able to retain the counsel of lawyers without fear of the lawyers being imprisoned. However, approximately 20 of the lawyers jailed in 2000 remained imprisoned at the year's end.

In December the SPDC continued to slowly release NLD members, with three releases of four prisoners each during the month. These 12 releases brought the total number of political prisoners released during the year to 202. During the latter half of the year, the releases became less frequent and most releases were of members whose terms were close to expiring or who were in poor health.

Opposition political parties have attempted to use the courts to enforce their political rights, thus far without success. In 1999 the Supreme Court dismissed suits brought by members of the NLD's central executive committee (CEC) against SPDC Secretary One, and Lt. General Khin Nyunt, the chief of military intelligence. The suits alleged that the military intelligence apparatus violated the rights of private individuals in connection with the detention of NLD members elected to parliament in 1990. The NLD CEC members also filed suit against other senior government officials for libel, fraud, and intimidation in connection with government-organized petitions of "no confidence" against NLD members-elect of parliament (see Sections 1.d. and 3). The hearing on these cases was closed to the public and, in both cases, the Supreme Court's verdict went against the NLD. On April 27, 2000, the Supreme Court dismissed an appeal by the NLD against the SPDC for illegally detaining and libeling members-elect of parliament. The Supreme Court ruled that a case could not proceed against a government official—in this case the head of military intelligence—if the Head of State did not grant permission. In September 2000, lawyers for the NLD began a suit against General Than Shwe and the Chairman of the Election Commission for failing to fulfill commitments made in regard to the transition to democracy. The suit was dismissed without a hearing by year's end.

In November 2000, the government allowed Aung San Suu Kyi's brother to file a suit against her seeking half ownership of the family compound in which she resides. The case widely was believed to be motivated politically, because the Government generally does not allow foreigners to file claims for property against citizens. In fact the Government had to grant a special authority to the brother for the case

to be filed at all. The trial was public and lasted for several months. The case eventually was dismissed for having been filed improperly. However, the Government granted the brother authority to file a second suit, and in October the judge presiding over the case ruled that Aung San Suu Kyi's brother had the right to inheritance of the property under Buddhist customary law. The next hearing began in November and the case continued at year's end.

The ICRC reported that there were 1,500 political prisoners in the country. AI estimated in May that there were approximately 1,500 to 1,800 political prisoners. It also found that some political prisoners remained in custody despite having completed their sentences (see Section 1.d.).

Of the estimated 1,500 political prisoners at year's end, 17 NLD members-elect of Parliament. Among the remaining prisoners is U Aye Tha Aung, who represents four large ethnic groups in the CRPP. Arrested in 2000 and sentenced to three 7-year sentences, U Aye Tha Aung reportedly is in deteriorating health. Another prominent political prisoner is U Win Tin, a noted journalist and writer, who has been in prison since July 1989. He is 71 years old and also reportedly in poor health. Another high-profile political prisoner is Min Ko Naing, a student leader whose sentence was extended under law 10a and who reportedly is in Sittwe Prison and in deteriorating health (see Section 1.d.).

There were credible reports that the health of several political prisoners deteriorated during the year, and that at least six died in prison (see Sections 1.a., 1.c. and 1.d.).

The Government generally does not permit access to political prisoners by international humanitarian organizations; however, the ICRC has had access to prisons since 1999.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution does not provide for these rights and authorities infringed on citizens' privacy rights. The military Government interferes extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically. The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there to maintain and submit to the police a guest list. In May 2000, U Soe Han, a lawyer for the NLD, was detained under this law for spending the night of May 27, 2000 at his mother's house (see Section 1.e.). U Soe Han later was released; however, he was re-arrested in September 2000 and sentenced to 21 years in prison. During the year, it appeared that the Government loosened enforcement of the restriction. However, there still were isolated reports of police entering homes at night without warrants to enforce compliance. Security personnel also commonly searched private premises and other property without warrants in other contexts.

Government employees generally are required to obtain advance permission before meeting with foreigners.

Government employees generally are prohibited from joining or supporting political parties; however, this proscription is applied selectively. In the case of the Government's own mass mobilization organization, the Union Solidarity and Development Association, the Government has used coercion and intimidation to induce many persons, including nearly all public sector employees, both to join the union and to attend meetings in support of the Government (see Sections 2.b. and 3).

In the past, government officials, including senior officials, repeatedly made statements in the state monopolized domestic media warning parents that authorities could hold them responsible for any political offenses committed by their children; however, there were no reports of this practice during the year. The Government's intelligence services also monitor the movements of foreigners and question citizens about conversations with foreigners. During the year, international NGO's were required to ensure that a representative from a government ministry accompanied them on all field visits (at the NGO's expense). However, the requirement appeared impractical and was not always enforced fully (see Section 4).

Marriages between female citizens and foreigners are banned; however, the ban has not been enforced.

Telephone service also is controlled tightly. Security personnel regularly screen private correspondence and telephone calls. Government authorities continued generally prevent citizens from subscribing directly to foreign publications (see Section 2.a.). However, during the year the Government loosened controls over the use of satellite television. In September the Government announced that the general population would be allowed to register satellite receivers for a small fee. Previously, only a few businesses and individuals with special connections to the Government

were allowed licenses for satellite receivers. Since September there has been an increase in the number of satellite receiver sales.

The Government continues to control closely the licensing and rationing of all electronic communication devices, which are monitored closely. Possession of an unregistered telephone, facsimile machine, or computer modem is punishable by imprisonment (see Section 2.a.). In April 2000, an Indonesian citizen, Irawan Sidaria, and two local technicians were arrested under the statute for having installed an Inmarsat satellite telephone unit at the Asia Plaza Hotel in Rangoon. The communication equipment, which provided 10 telephone lines for overseas calls, had not been licensed by the state-owned Myanmar Posts and Telecommunications. Irawan Sidaria was deported to Indonesia in August 2000. According to the SHRF, in June SPDC troops confiscated approximately 30 mobile phones in Murng-Ton. Although no arrests were reported, troops threatened to punish citizens severely if they refused to turn over their mobile phones. In June 2000, Myanmar Posts and Telecommunications also announced that users of nonregistered cordless telephones in the country would face up to 3 years' imprisonment, or a fine of approximately \$75 (30,000 Kyat), or both.

Weak private property rights and poor land ownership records facilitate involuntary relocations of persons by the Government. The law does not permit private ownership of land; it recognizes only different categories of land-use rights, many of which are not freely transferable. Postcolonial land laws also have revived the precolonial tradition that private rights to land are contingent upon the land being put to productive use.

To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC has relocated forcibly citizens to "new towns." Prevalent during the early 1990's, this practice has become somewhat less common in recent years. Persons relocated to new towns generally suffer from greatly reduced infrastructure support, and residents targeted for displacement generally are given no option but to move, usually on short notice (see Section 2.d.).

In rural areas, the military Government frequently forcibly relocated ethnic minority villagers. This practice was particularly widespread in the Shan, Kayah, and Karen States and in areas of Mon State and Pegu Division. In these areas, thousands of villagers were displaced from their traditional villages and moved into secure settlements in strategic areas. The forced relocations often are accompanied by demands for forced labor to build infrastructure for both villagers and army units and often have generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government (see Sections 1.c., 2.c., 2.d., 5, and 6.c.). In some areas, the junta has replaced the original ethnic settlements with settlements of Burmans. This was the case in Arakan State in 1999 and 2000, when the Government forcibly relocated several largely Muslim villages and resettled the area with Buddhist Burmans, who were forced to move from Dagon Township in Rangoon Division. In other areas, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the DKBA (see Section 5).

Military units also routinely have confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, or money. Such abuses have become widespread since 1997, when the junta, to continue its military buildup despite mounting financial problems, ordered its regional commanders to meet their logistical needs locally, rather than rely on the central authorities. As a result, regional commanders have increased their use of extortion and of forced contributions of food, labor, and building materials throughout the country (see Sections 1.c., 5, and 6.c.).

In violation of humanitarian law, both army and insurgent units have used force conscription (see Sections 1.g. and 6.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since independence in 1948, the army has battled a series of ethnic insurgencies. Ethnic insurgent groups have sought to gain greater autonomy or, in some cases, independence from the ethnic Burman-dominated State. Since 1989 17 such groups have concluded cease-fire agreements with the Government. Under the agreements, the groups have retained their own armed forces and perform some governmental functions within specified territories inhabited chiefly by members of their ethnic groups. However, other groups remain in active revolt. The KNU has continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country, including not only Karen State, but also Mon State, Tenasserim Division, and Pegu Division. In Kayah State, the Karenni National Progressive Party has resumed fighting against the Government since the breakdown of a cease-fire negotiated in 1995.

In central and southern Shan State, government forces continued to engage the Shan State Army (SSA). The military maintained a program of forced relocation of villagers in that region and there were credible reports of army killings, rapes, and

other abuses. Border disputes with Thailand during the year exacerbated military abuses of civilian populations along the Thailand border. According to the SHRF, on May 4, in Kun-Hing township, SPDC troops killed five displaced farmers. The villagers previously had been resettled forcibly from surrounding villages by the army.

According to the SHRF, on March 30, SPDC troops gang-raped a woman in Murng-Ton township after the troops had tortured and killed her uncle (see Section 1.c.).

According to the SHRF, on April 27, government soldiers encountered four villagers near Naa Ing, Shan State. The soldiers found packets of rice, which the soldiers claimed the villagers were going to give to the SSA. The soldiers tied up the men and took the woman to a different location, where they raped her. They also required the villagers in the area to pay a substantial fine for the release of the four persons.

In another report by the SHRF, on May 19, army troops entered Laai Zan village in Saai Zan tract and arrested the village tract secretary, Zaai Zae-Ya, and another villager. The troops tied up the two men and took them to a military base in Kun Hing town, where they interrogated them regarding the SSA, beat them, and tortured them. Zaai Zae-Ya was killed during the interrogation; the fate of the other villager is not known. Neither incident could be verified independently.

In the Chin State there were reports that 3,000 Naga villagers fled the country into northeastern India in May when the army launched an offensive against Naga separatists. Army troops reportedly burned villages and laid landmines to discourage villagers from returning. A report from Chiang Mai, Thailand in May, stated that large numbers of Shan State inhabitants were relocating to the area as a result of the Government's frequent demands for forced labor and confiscation of lands (see Sections 2.d., 5, and 6.d.). One unconfirmed estimate suggested that as many as 10,000 Shan relocated to Thailand during the year.

The army conscripts children as young as the age of 14, especially orphans and street children (see Section 5).

Other active insurgent groups include the Chin National Front, the Naga National Council, the Rohingya Solidarity Organization, the Arakan National Organization, and the Karen National Liberation Army. Some antigovernment insurgent groups also committed serious abuses. For example, according to the Government, on December 30, the Karenni National Progressive Party killed seven villagers who refused to join their ranks in Loikaw Township. The Government also claimed that the KNU killed three villagers in Thanby Township on December 22. The KNU denied responsibility for the killings.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law allows the Government to restrict freedom of speech and of the press and, in practice, the junta continued to restrict these freedoms severely and systematically during the year. The Government continued to arrest, detain, convict, and imprison many persons for expressing political opinions critical of the junta, and for distributing or possessing publications in which such opinions were expressed (see Sections 1.c., 1.d., and 1.e.). Security services also monitored and harassed persons believed to hold such political opinions. Many more persons refrained from speaking out due to fear of arrest, interrogation, and other forms of intimidation.

Legal restrictions on freedom of speech, already severe since the early 1960's, have intensified since 1996, when the junta issued a decree prohibiting speeches or statements that "undermine national stability." In all regions of the country, the military Government continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990, with few exceptions.

There was an unconfirmed report from the Democratic Voice of Burma that on August 1, military security personnel arrested a monk for delivering a sermon criticizing the economic and political conditions in the country at a ceremony at the Mahamyatmunni Payagyi Pagoda in Mandalay. The monk, Ashin Pandita, reportedly was arrested immediately by nearby military security personnel, derobed, and detained at the police station, where he remained at year's end.

The Government permitted the NLD to resume some public meetings during the year. However, in keeping with the confidence-building that has surrounded the talks between the government and Aung San Suu Kyi, the NLD moderated its criticism of the Government in these meetings. Nevertheless, on Labor Day (May 1) and on the anniversary of the NLD (September 27), some speeches critical of the government were delivered by opposition leaders, including NLD vice chairman U Tin Oo.

Many prominent writers and journalists remain in prison. In 1999 novelist Maung Tha Ya left the country and identified 20 prominent writers who then were in prison. The Paris-based organization Reporters Sans Frontieres reports that there were 13 journalists in prison during the year, including novelist and journalist San San Nweh, who was imprisoned in 1994 for a 10-year-term for passing information regarding human rights violations to international reporters and U.N. observers. He was released early in the year. Government censorship boards prohibit publication or distribution of works authored by those in prison, although in 2000 the Government allowed former political prisoners Ma Thida and U Sein Myint (also known as U Moe Thu), to write several magazine articles following their release from prison. At least one well-known publisher, Tin Maung Than, departed the country during the year in fear that his activities would lead to his imprisonment.

The local staff of international agencies also were detained, interrogated, and threatened by security forces in two separate incidents during the year. The security forces' actions apparently were prompted by the staffs' contacts with foreigners. At least some staff members were threatened with treason, an act punishable by life imprisonment. This was the first such overt attempt at intimidation of international agency staff in recent years. Some staff members were questioned and released the same day, others were held overnight in detention.

On November 29, Dr. Salai Tun Than, a 74 year-old was arrested for staging a political protest in Rangoon. According to witnesses, Dr. Salai Tun Than distributed copies of a petition asking for the regime to hold multiparty elections within one year. He was arrested and jailed and remains in Insein prison at year's end. His family was not informed of his incarceration for several weeks. On May 26, 2000, the junta announced that security forces had seized "inflammatory" leaflets, stickers, and calendars, and arrested Zaw Min Oo in the Bago Division. The published sheets allegedly were to be distributed within religious associations.

Between April and June 2000, the junta arrested an additional 11 persons for distributing antijunta leaflets and allegedly planning attacks on government buildings. In September 2000, the junta sentenced Chein Poh, a highly respected, 77-year-old lawyer in Rangoon, for allegedly distributing foreign publications with antiregime annotations written on the back. Although the regime presented no credible evidence to prove the charge, Chein Poh was sentenced to 14 years in prison (see Section 1.e.).

The Government owns and controls all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the junta and normally did not report opposing views except to criticize them. The one, partial exception was the Myanmar Times, an expensive English-language weekly newspaper, targeted at the foreign community in Rangoon, which occasionally reported on criticism of the Government's policy by the United Nations and other organizations.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally are published monthly. However, since 1996 the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids have proliferated; however, government control encourages self-censorship, and publications remain subject in principle to government censorship, and they generally do not report domestic political news.

Imported publications remain subject in principle to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving prodemocracy literature in the past were punished regularly by imprisonment. There was one such case during the year. The Government also restricts the legal importation of foreign news periodicals and discourages subscriptions to foreign periodicals. However, a limited selection of foreign newspapers may be purchased at hotels and bookstores in Rangoon (see Section 1.f.). Prior to August 2000, such foreign newspapers and magazines were censored regularly at the airport on arrival; however, during this year, they were distributed uncensored.

Since 1997 the Government has issued few visas to foreign journalists and has held only a handful of press conferences on political subjects. Journalists also occasionally are blacklisted. For instance, a journalist who wrote an article regarding Burma in an Australian newspaper reportedly was placed on a blacklist by the Government, which effectively barred his entry into the country. In previous years, several journalists who entered the country as tourists were detained and deported by the Government; however, there were no such reports during the year.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rare-

ly circulated outside urban areas, and most villages lacked access to electrical power, except from generators or batteries. The junta continued to monopolize and to control the content of all domestic radio broadcasting tightly. Foreign radio broadcasts, such as those of the British Broadcasting Corporation, Voice of America, Radio Free Asia, and the Democratic Voice of Burma, remained the principal sources of uncensored information; however, individuals were arrested for listening to these services during the year. In December 1999, U Than Chaun, the owner of a coffee shop in Shwe Coo township of Kachin State, was arrested and sentenced to 2 years' imprisonment with hard labor for having the radio in his coffee shop tuned to Voice of America. By year's end, it was not possible to verify whether U Than Chaun had been released.

The Government also continued to monopolize and to control tightly all domestic television broadcasting, offering only a government channel and an armed forces channel. However, the Government loosened restrictions on the reception of foreign satellite television broadcasts by allowing new licenses to be purchased. Previously, new licenses were not available and the operation of an unlicensed satellite television receiver was a crime punishable by up to 3 years in prison (see Section 1.f.). The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board.

The junta continued to restrict access to electronic media severely and systematically. All computers, software, and associated telecommunications devices are subject to government registration, and possession of unregistered equipment is punishable by imprisonment (see Section 1.f.).

The Ministry of Defense operates the country's only known Internet server and has begun to offer Internet services selectively to a small number of customers. In December 1999, military intelligence officials closed down several private e-mail services and computer training schools. Only one, government-owned e-mail service was available at year's end. The country's first cybercafe opened in Rangoon in 1999, but does not offer patrons direct access to the Internet.

The Government continued to restrict academic freedom severely. University teachers and professors remain subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. The Ministry of Higher Education routinely warns teachers against criticizing the Government. It also instructs them not to discuss politics while at work; prohibits them from joining or supporting political parties or engaging in political activity; and requires them to obtain advance ministerial approval for meetings with foreigners. Like all government employees, professors and teachers have been coerced into joining and participating in the activities of the Union Solidarity and Development Association (USDA), the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students.

In June and July 2000, the Government reopened the remainder of the institutions of higher education that were closed in 1996 following widespread student demonstrations. However, the Government has taken a number of special measures to limit the possibility of student unrest. Campuses have been moved to relatively remote areas, teachers and students have been warned that disturbances would be dealt with severely, and on-campus dormitories have been closed. This has disrupted university life severely. There is evidence that many students have chosen to continue with self study because the universities deteriorated to such an extent during the time that they were closed, that they largely have become inaccessible.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly severely. An ordinance used by the junta officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance is not enforced consistently. The 10 existing political parties also are required to request permission from the Government to hold meetings of their members; nevertheless, meetings occurred without government permission.

The military junta continued its systematic decade-long use of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., 1.e., and 3). While the Government has loosened its restrictions on the activities of the main opposition party, the NLD, in Rangoon Division, it has not allowed NLD offices in other parts of the country to reopen. Similarly, while travel restrictions on all but the most senior NLD members have been loosened in Rangoon Division, travel restrictions on some NLD leaders in other parts of the country remain in place. The level of control exerted over NLD members appears to be the prerogative of the local area commander or township authorities. Some NLD members-elect of parliament who were released from prison are as a result reluctant to return to their districts for fear that they would not be allowed to return to Rangoon.

The Government forced the closure of three Shan National League for Democracy (SNLD) offices in townships near the capital of Shan State in May and September. However, according to press reports, the Government in late September reportedly told SNLD Chairman Khun Tun Oo that the actions had been a mistake. The Chairman reportedly stated that the Government told him to disregard the regional authority's directive and to continue with normal operations.

Throughout 2000 government authorities in various parts of the country used force to prevent prodemocracy demonstrations or to punish participants in them. Authorities detained or arrested and in many cases convicted and imprisoned persons suspected of planning such demonstrations; however, there were no such reports during the year (see Sections 1.d. and 1.e.). Approximately 100 NLD members who were arrested on September 21, 2000 for gathering at a Rangoon train station to see Aung San Suu Kyi off on her proposed trip to Mandalay, were released by year's end (see Sections 2.d. and 3).

The Government at times interfered with the assembly of religious group members. In Arakan (Rakhine) State early in the year, local authorities scheduled approximately 40 mosques for destruction because they reportedly were built without permission (see Section 2.c.). Thirteen mosques were destroyed before the authorities intervened. During the year in Rangoon, the Government reportedly closed more than 80 home-churches, a traditional gathering place for many Christians, because they did not have proper authorizations for religious meetings (see Section 2.c.).

In previous years, there were incidents during which security forces publicly beat NLD members as they attempted peaceably to assemble or attend meetings; however, there were no such incidents during the year (see Section 1.c.).

The Government severely restricts freedom of association, particularly in regard to members of the main opposition political party, the NLD. While the Government has allowed the NLD to celebrate certain key party events with public gatherings it has restricted the size of the gatherings and the individuals who were allowed to attend. For example, in September the NLD held a ceremony to commemorate the third anniversary of the Committee Representing the Peoples Parliament (CRPP) and the regime responded with MI personnel surrounding NLD headquarters. In September 2000, junta forces blocked all traffic from roads surrounding NLD headquarters, with a heavy military intelligence and riot police presence for two blocks on either side of the building. The Government also has prevented Aung San Suu Kyi from traveling to party meetings outside of Rangoon, stopping her four times in 1998 and once in 2000. During the year, Aung San Suu Kyi was unable to leave her house and therefore was unable to travel (see Section 2.d. and 3).

The Government campaign against the NLD intensified in 1998 when the NLD's national leadership first organized the CRPP. The campaign initially involved mass rallies and government-organized "recall" movements against members-elect of parliament. This was followed by direct pressure on individual NLD members. Throughout 2000 government media published hundreds of reports from localities across the country that stated that NLD members had "voluntarily resigned" from the party in groups ranging in size from fewer than 10 to more than 1,000 persons. The reported number of NLD members who voluntarily resigned numbered in the tens of thousands.

In previous years, resignations from the NLD generally were coerced, according to the persons concerned. In some townships, authorities pressured NLD officers to resign, and then declared the local party organizations defunct, due to a lack of recognized officers. In other localities, NLD officials who refused to resign from the party were arrested or imprisoned on fabricated charges, and/or recall motions were mounted against them. Outside the capital, government pressure particularly was intense. In some cases, members-elect of parliament were required to register at police stations twice per day.

However, during the year, as a result of the initiation of talks between Aung San Suu Kyi and the junta, the government-controlled media has ceased its campaign against the NLD, and the Government loosened some restrictions on NLD party activity. Approximately 200 political prisoners were released, and several NLD offices were allowed to reopen in Rangoon and Mandalay.

In general the right of association exists only for government-approved organizations, including trade associations and professional bodies, such as the Forest Reserve Environment Development and Conservation Association. Few secular nonprofit organizations exist, and those that do exist take special care to act in accordance with government policy. Only 10 political parties are legally in existence, and most of those are moribund.

c. Freedom of Religion.—The constitution permits both legislative and administrative restrictions on religious freedom, stating that "the national races shall enjoy the

freedom to profess their religion. And provided that the enjoyment of any such freedom does not offend the laws or the public interest." Most adherents of all religions duly registered with the authorities generally are free to worship as they chose; however, the Government imposed restrictions on certain religious activities and frequently abused the right to religious freedom. In addition in practice the Government systematically restricted efforts by Buddhist clergy to promote human rights and political freedom, and coercively promoted Buddhism over other religions in some ethnic minority areas.

The Government operates a pervasive internal security apparatus, which generally infiltrates or monitors the meetings and activities of virtually all organizations, including religious organizations. Religious activities and organizations of all faiths also are subject to broad government restrictions on freedom of expression and association (see Section 2.a. and 2.b.). In addition, the Government subjects all publications, including religious publications, to control and censorship (see Section 2.a.). Such monitoring and control undermines the free exchange of thoughts and ideas associated with religious activities.

The Government requires religious organizations, like all organizations, to register. Although there is a government directive exempting "genuine" religious organizations from registration, in practice only registered organizations may buy or sell property or open bank accounts, which induces most religious organizations to register. Religious organizations register with the Ministry of Home Affairs with the endorsement of the Ministry for Religious Affairs. The State also provides some utilities, such as electricity, at preferential rates to recognized organizations.

There is no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. State-controlled news media frequently depict junta members paying homage to Buddhist monks, making donations at pagodas throughout the country, officiating at ceremonies to open, improve, restore, or maintain pagodas, and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines throughout the country. State-owned newspapers routinely featured, as front-page banner slogans, quotations from the Buddhist scriptures. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children generally are permitted to choose not to receive instruction in Buddhism, although the Government at times deals harshly with those who do. The Government also funded the construction of the International Theravada Buddhist Missionary University in Rangoon.

The Government also has attempted to control the Buddhist clergy, although the clergy have resisted such control. The military junta prohibits any organization of Buddhist clergy other than nine state-recognized monastic orders, which submit to the authority of a state-sponsored State Clergy Coordination Committee ("Sangha Maha Nayaka Committee"—SMNC). The government also authorizes military commanders to try Buddhist clergy before military tribunals for "activities inconsistent with and detrimental to Buddhism," and imposes on Buddhist clergy a code of conduct that is enforced by criminal penalties. The junta also has subjected the Buddhist clergy ("sangha") to special restrictions on freedom of expression and association, and has prohibited the ordination as clergy of any member of a political party.

In 1999 the senior abbots of five monasteries near Mandalay protested a new order by the regional military command that forbade Buddhist clergy to leave their township of residence without first surrendering their identity cards and obtaining written permission from local authorities. Persons other than Buddhist clergy generally were not subject to such severe restrictions on movement. In addition more than 100 monks were imprisoned in the 1990's for supporting democracy and human rights. Over half of the monks have been released; others have died in prison.

The Government continued to discriminate against members of minority religions, restricting the educational, proselytizing, and building activities of minority religious groups. There is a concentration of Christians among some of the ethnic minorities (for example, the Karen and Kachin) against which the army has fought for decades, although groups that practice Buddhism (for example, the Shan) also have waged many of the ethnic insurgencies.

Christian groups continued to have difficulties in obtaining permission to build new churches, while Muslims reported that they essentially are banned from constructing any new mosques. Buddhist groups are not known to have experienced similar difficulties in obtaining permission to build pagodas or monasteries. In parts of Chin State, authorities reportedly have not authorized the construction of any new churches since 1997. The Government reportedly also has denied permission for churches to be built along main roads in cities such as Myitkina, the capital of Kachin State. In Rangoon during the year, authorities closed more than 80 home-

churches (a traditional gathering place for many Christians) because their operators did not have proper authorizations to hold religious meetings. At the same time, the authorities have made it increasingly difficult to obtain approval for the construction of "authorized" churches.

In most regions of the country, Christian and Muslim groups that seek to build small churches or mosques on side streets or other inconspicuous locations at times have been able to proceed, but increasingly only based on informal approval from local authorities. These groups report that formal requests encounter long delays and, especially for Muslims, generally are denied. However, obtaining an informal approval from local authorities creates a tenuous legal situation. For example, there were instances cited during the year in which local authorities or conditions changed and the informal approval for construction was rescinded abruptly.

Since the 1960's, Christian and Islamic groups have had difficulties importing religious literature into the country. Religious publications, like secular ones, remained subject to control and censorship (see Section 2.a.). Translations of the Bible and Koran into indigenous languages may not be imported legally, although Bibles may be printed locally in indigenous languages with government permission. However, state censorship authorities continued to enforce restrictions on the local publication of the Bible in particular, and Christian and Muslim publications in general. Although possession of publications not approved by the censors is an offense for which persons have been arrested and prosecuted in the past, there have been no reports of arrests or prosecutions for possession of any traditional religious literature in recent years.

Non-Buddhists continued to experience employment discrimination at upper levels of the public sector (see Section 5).

Government authorities continued to prohibit Christian clergy from proselytizing in some areas, often in support of local Buddhist populations opposed to the spread of Christianity. In at least one instance in the past, clergy were beaten to discourage proselytizing. Local military commanders, who often issue such orders, rarely cite any legal justification for their actions. In general the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960's, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals. The Government is not known to have paid any compensation in connection with these extensive confiscations. However, the Government has allowed a few elderly Catholic priests and nuns who have worked in the country since before independence to continue their work. At times, religious groups, including Catholics and Protestants, bring in foreign clergy and religious workers as tourists but are careful to ensure that their activities are not perceived by the Government as proselytizing. Some Christian theological seminaries established before 1962 also have continued to operate; however, during the year, military authorities forced a Bible school, which had been operating in Tamu Township in Sagaing Division since 1976, to close.

The authorities reportedly subjected Christian sermons to censorship. In the past, soldiers beat Christian clergy who refused to sign statements promising to stop preaching to non-Christians. Since 1990 government authorities and security forces, with assistance from monks of the Hill Regions Buddhist Missions, coercively have sought to prevent Christian Chins from proselytizing to Chins who practice indigenous religions.

There are credible reports that SPDC authorities systematically have repressed Muslims in certain areas and forcibly relocated them from certain areas. For example, Arakan Muslims have been forced to donate labor, money, and materials toward buildings for the Buddhist community. There now are certain townships in Arakan State, such as Suchas, Thandwe, Gwa, and Taung-gut, that are "Muslim-free zones." Muslims no longer are permitted to live in the areas, mosques have been destroyed, and lands confiscated. To ensure that the mosques are not rebuilt, they have been replaced with government-owned buildings, monasteries, and Buddhist temples. Authorities also reportedly have issued a court order under which the killing of a Muslim is to be punished with a minimum of a 3-month sentence while, in contrast, the sentence for a Muslim hitting a Buddhist is 3 years. In northern Arakan State, the Government systematically destroyed mosques in some small villages early in the year. Local authorities already had destroyed 13 of approximately 40 mosques that had been designated for destruction before the United Nations High Commission for Refugees (UNHCR) was able to intervene and convince the Government to halt the activity. Typically little more than thatch huts, the mosques reportedly were constructed without proper authority by villagers who had difficulty reaching mosques in neighboring towns due to strict travel restrictions on Muslims.

There were periodic outbreaks of anti-Muslim violence in the country during the year. In February riots broke out in the town of Sittwe, the capital of Arakan State.

There were various, often conflicting, accounts of how the riots began, but reports claimed that government security and firefighting forces did little to prevent attacks on Muslim mosques, businesses, and residences. After 4 days of rioting, security forces restored order. There are estimates that over 50 Muslim homes burned to the ground and that both Muslims and Buddhists were killed and injured. Since that time, the Government has tightened already strict travel restrictions for Muslims in the area, essentially preventing any Muslims from traveling between Sittwe and other towns in the region. In March seven Arakanese politicians were sentenced to between 7 and 12 years in prison for allegedly inciting the riots.

On May 15, anti-Muslim riots broke out in the town of Taungoo in the Bago Division between Rangoon and Mandalay (an estimated 2,000 of Taungoo's 90,000 inhabitants are Muslim). The riots followed the same pattern as those in Sittwe. There were varying accounts of what precipitated the fighting. After 2 days of violence the military restored order and the violence immediately ended, but not before there was widespread destruction of Muslim homes and businesses and, reportedly, several mosques. An estimated 10 Muslims and 2 Buddhists were killed in the violence.

There also were reports that local government authorities alerted Muslim elders in advance of the attacks and warned them not to retaliate to avoid escalating the violence. While the details of how the attacks began and who carried them out were unclear by year's end, the violence significantly heightened tensions between the Buddhist and Muslim communities during the year.

In 1991 tens of thousands (according to some reports, as many as 300,000) of the Muslim Rohingya minority fled from Arakan State into Bangladesh following anti-Muslim violence. Approximately 21,000 Rohingya Muslims remain in refugee camps in Bangladesh and many have refused to return to Burma because they feared abuses, including religious abuses (see Sections 2.d. and 5). The UNHCR has reported that authorities have cooperated in investigating incidents of renewed abuse of repatriated citizens. Rohingya Muslims continued to experience severe legal, economic, and social discrimination (see Sections 2.d. and 5).

There continued to be credible reports from diverse regions of the country that government officials compelled persons, especially in rural areas, to contribute money, food, or uncompensated labor to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. The Government calls these contributions "voluntary donations" and imposes them on both Buddhists and non-Buddhists (see Section 6.c.). In recent years, there were credible reports that Muslims in Arakan State have been compelled to build Buddhist pagodas as part of the country's forced labor program. These pagodas often were built on confiscated Muslim land. However, there were no known reports of forcing persons to build pagodas during the year. There also were reports of forced labor being used to dismantle temples and monasteries. For example, in July 2000, army troops from the 246th Infantry Division reportedly forced 54 men to dismantle several temples and monasteries in the forced relocation areas of Kun-Hing township; on August 10, 2000, the same troops again conscripted 87 workers from the same town and forced them to build a shelter for the lumber and tin sheets taken from the dismantled monasteries.

Authorities have attempted to prevent Chin Christians from practicing their religion. Military units repeatedly located their camps on the sites of Christian churches and graveyards, which were destroyed to build these camps; local Chin Christians were forced to assist in these acts. In addition the army reportedly also has taken over churches to use them for bases in remote areas. Since the early 1990's, security forces have torn down or forced villagers to tear down crosses that had been erected outside Chin Christian villages. The crosses often have been replaced with pagodas, which at times were built with forced labor. Some of the crosses had been erected in remembrance of former foreign missionaries while others merely were symbols of faith. There are reports that, while the Government still bans most of these crosses, permission has been granted to erect at least one cross in Southern Chin State. In July 2000, Captain Khin Maung Myint reportedly forcibly ordered the closure of all Christian schools in Tamu Township.

Since 1990 government authorities and security forces have promoted Buddhism over Christianity among the Chin ethnic minority in diverse and often coercive ways. This campaign, reportedly accompanied by other efforts to "Burmanize" the Chin, has involved a large increase in military units stationed in Chin State and other predominately Chin areas, state-sponsored migration of Buddhist Burman monks from other regions, and construction of Buddhist monasteries and shrines in Chin communities with few or no Buddhists, often by means of forced "donations" of money or labor. Local government officials promised monthly support payments to individuals and households that converted to Buddhism. Government soldiers sta-

tioned in Chin State reportedly were given higher rank and pay if they induced Chin women to marry them and convert to Buddhism. The authorities reportedly supplied rice to Buddhists at lower prices than to Christians, distributed extra supplies of foodstuffs to Buddhists on Sunday mornings while Christians attended church, and exempted converts to Buddhism from forced labor. In the past, there were credible reports that in Karen State's Pa'an township, army units repeatedly conscripted as porters young men leaving Sunday worship services at some Christian churches, causing them to avoid church attendance. Soldiers led by officers repeatedly disrupted Christian worship services and celebrations. There also were a number of credible reports that the army continued to force Chin to porter for it, both in Chin State and Sagaing Division. In addition the Army reportedly no longer takes rations with it, and rather lives off of local villagers often by force, although villagers reportedly were permitted to provide monetary compensation in lieu of such work. Local government officials ordered Christian Chins to attend sermons by newly arrived Buddhist monks who disparaged Christianity. In addition there were reports during the year that many Christian Chin were pressured and some were forced to attend monk school and Buddhist monasteries and then encouraged to convert to Buddhism. Local government officials separated the children of Chin Christians from their parents under the false pretenses of providing them free secular education and allowing them to practice their own religion, while in fact the children were lodged in Buddhist monasteries in which they were instructed in and converted to Buddhism without their parents' knowledge or consent. Since 1990 government authorities and security forces, with assistance from monks of the Hill Regions Buddhist Missions, have sought to coerce Chins, including children, to convert to Theravada Buddhism.

There were unconfirmed reports of governmental restrictions on the religious freedom of Christians among the Naga ethnic minority in the far northwest of the country. Such reports suggested that the Government sought to induce members of the Naga to convert to Buddhism by means similar to those it used to convert members of the Chin to Buddhism. However, reports concerning the Naga, although credible, are less numerous than reports concerning the Chin. During 1999 the first mass exodus of Naga religious refugees from the country occurred; more than 1,000 Christians of the Naga ethnic group reportedly fled the country to India. These Naga reportedly claimed that the army and Buddhist monks attempted to force them to convert to Buddhism and had forced them to close churches in their villages, then desecrated the churches. A particularly harsh military commander in the Naga area reportedly was removed from command in late 2000 and imprisoned for rape.

Religious groups of all faiths were able to establish and maintain links with coreligionists in other countries and travel abroad for religious purposes. However, the Government closely monitored their activities.

Religious affiliation at times is indicated on government-issued identification cards that citizens and permanent residents of the country are required to carry at all times. There appear to be no consistent criteria governing whether a person's religion is indicated on his or her identification card. Citizens also are required to indicate their religions on some official application forms, such as passports.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement. Except for limitations in areas of insurgent activity, most citizens were able to travel freely within the country, but were required to notify their local government of their whereabouts (see Section 1.f.). Urban and rural residents also are subject to arbitrary relocation.

The freedom of movement of opposition political leaders also is curtailed rigorously. The junta has allowed NLD general secretary Aung San Suu Kyi to travel outside the capital only once, on a visit to a monastery. During the year, Aung San Suu Kyi was unable to attend a ceremony in Oslo honoring her on the 10th anniversary of her receipt of the Nobel Peace Prize in 1991. On August 24, 2000, she was prevented from traveling to an NLD party meeting in Kungyangon, in the near vicinity of Rangoon, resulting in a 9-day roadside standoff, during which time she was denied access to her political followers. The standoff ended on September 2, 2000, when police took Aung San Suu Kyi and her companions into custody and detained them incommunicado at Aung San Suu Kyi's Rangoon residence until September 14, 2000. On September 21, 2000, the military Government again prevented her from traveling by train to Mandalay and detained her incommunicado in her house (see Sections 2.b. and 3). Aung San Suu Kyi remained under house detention at year's end. The SPDC similarly detained on both occasions other leaders of the NLD, including the vice chairman of the NLD, U Tin Oo. Since 1996 security forces also have restricted public movement along the street in front of Aung San Suu Kyi's residence. While travel restrictions on all but the most senior NLD members have

been loosened in Rangoon Division, travel restrictions on some NLD leaders, in other parts of the country remain in place (see Section 2.b.).

The Government refuses to accept Burmese deportees from other countries. The government allegedly refuses to document Burmese seafarers who are stranded abroad due to the sinking of their ship or bankruptcy of the ship owners.

The Government also carefully scrutinizes prospective travel abroad. Such control facilitates rampant corruption, as many applicants are forced to pay large bribes. The bribes for passports are sometimes as high as \$3,000 (approximately 1.2 million Kyat), the equivalent of 10 years' salary for the average citizen. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtain a passport (except for certain government employees) are required to pay a special education clearance fee to reimburse the Government for the cost of their education. In February 2000, the Government issued new regulations regarding overseas employment passports that ultimately made it more difficult for citizens to travel overseas. However, citizens who had emigrated legally generally were allowed to return to visit relatives. Some who had lived abroad illegally and had acquired foreign citizenship also were able to return.

Those residents unable to meet the restrictive provisions of the citizenship law, such as ethnic Chinese, Arakanese, Muslims, and others, must obtain prior permission to travel. Since the mid-1990's, the Government also has restricted the issuance of passports to female citizens (see Section 5). In addition the Government prohibits foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission.

Restrictions on foreign travelers have been eased as part of an effort to promote tourism. Burmese embassies now issue tourist visas, valid for 1 month, within 24 hours of application. However, select categories of applicants, such as foreign human rights advocates, journalists, and political figures are denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government. In previous years, The Government also has detained and jailed several journalists; however, this did not occur during the year (see Section 2.a.).

There is a large number of internally displaced persons (IDP's) in the country. NGO's estimate that there could be as many as one million persons whom the SPDC has moved forcibly from their villages and districts and who now live near or along the Thai border (see Section 5). NGO's also estimate that an additional 1 million IDP's also might exist in various other locations throughout the country; however, it is very difficult to confirm specific numbers of IDP's.

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy, and such forcible relocations continue, particularly along the Thai border. During the year, the military continued to abuse thousands of villagers and drive them from their homes, including during the course of military campaigns in Karen, Kayah, and Shan States (see sections 1.a., 1.c., 1.g., 2.d., and 6.d.). For example, according to an August SHRF report, since early in the year, SPDC troops reportedly have confiscated thousands of acres of cultivated lands, including a number of plantations, to be used for building military bases. The persons who owned or lived on the land were told to relocate; in the process, troops reportedly arrested many villagers, looted homes, and raped numerous women. However, these incidents could not be independently confirmed.

Repressive government policies and the military's brutal treatment of members of ethnic insurgencies has produced hundreds of thousands of refugees who now reside primarily in Thailand, India, and Bangladesh. There are approximately 150,000 persons in refugee camps on the country's borders. Of these at least 135,000 Karen, Mon, and Karenni resided in refugee camps in Thailand. In addition there were tens of thousands of Shan refugees in Thailand not living in camps. On the country's western border, 20,000 Rohingya Muslims remained in refugee camps in Bangladesh (see Section 5).

Harassment and fear of repression continued to force many citizens into neighboring countries and beyond. The fear of persecution and deteriorating socio-economic conditions continue to drive many citizens into exile in neighboring counties. In the border regions populated by minority ethnic groups, the Government continued its policy of forced labor, confiscation of lands, compulsory contributions of food and forced relocations. These policies and rising costs due to economic mismanagement generate ever-increasing numbers of exiles in neighboring countries such as Thailand, China, and India. One report from Chin State claimed that 3,000 Naga villagers fled the country into northeastern India in May when the army launched an offensive against Naga separatists. The security forces reportedly burned villages and laid landmines to discourage villagers from returning. A report from Chiang Mai, Thailand in May stated that "droves" of Shan State inhabitants were relo-

cating to the area as a result of the government's demands for forced labor, and forced relocation policies. One unconfirmed estimate suggested that as many as 10,000 Shan may have relocated to Thailand during the year (see Section 1.g.).

The Government does not allow refugees or displaced persons from abroad to resettle or seek safe haven and has not formulated a policy regarding refugees, asylum, or first asylum. There were no reports that persons formally sought asylum in the country during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government. The military junta has waged a decade-long campaign of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., and 1.e.).

Since 1962 active duty military officers have occupied most important positions in both the central Government and in local governments. Since 1988 a military junta has held all state power. All members of the SPDC have been military officers on active duty, and the junta has placed military or retired military officers in most key senior level positions in all ministries. By year's end, active duty or retired military officers occupied 37 of the 39 ministerial-level positions.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see Section 1.d. and 1.e.). Many other members-elect of parliament fled the country.

Rather than accept the will of citizenry as expressed in the 1990 election, the junta convened a national convention in 1993 to draw up principles for a new constitution. The junta handpicked most delegates, and carefully orchestrated the proceedings. Even limited opposition views were ignored. The junta gave the convention the task of drafting a new constitution designed to provide a dominant role for the military services in the country's future political structure. In 1995 the NLD withdrew from the convention and demanded a revision in working procedures so as to allow debate and meaningful participation by all parties in formulation of a new constitution. Two days after its withdrawal, the NLD was expelled formally. The national convention adjourned in 1996 and it has not reconvened. A final draft constitution never emerged from the national convention.

The military junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government. In September 1998, the NLD leadership organized a Committee Representing People Parliament (CRPP) on the basis of written delegations of authority from a majority of the surviving members-elect of the 1990 parliament, in view of the junta's continued use of force to prevent the entire parliament from convening. The committee was empowered by those members-elect to act on behalf of the parliament until the parliament was convened. In retaliation the junta launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities have pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained over 200 members-elect of parliament in 1998, at least 20 of whom remained in detention at year's end; many were held without being charged formally (see Section 1.d.). Others were released in 2000 and during the year.

Among its other coercive tactics, the Government compelled citizens to participate in meetings that criticized NLD members-elect or called for the dissolution of the NLD (see Section 2.b.). In prior years, a majority of eligible voters in a number of townships had signed petitions expressing no confidence in NLD members-elect of parliament. These petitions were presented to local Multiparty Democracy General Election Commissions in formal ceremonies staged at mass rallies widely publicized by state-owned media. Both the CRPP in public statements and the NLD in lawsuits it filed to protest these activities credibly alleged that the Government and USDA officials generally obtained signatures for these petitions and participation in these mass rallies through systematic coercion and intimidation (see Section 1.e.). However, in contrast with previous years, very few, if any, members-elect of parliament were recalled during the year.

As a result of these measures, the Government's Multiparty Democracy General Election Commission announced in October 1999, that of 392 NLD members elected to parliament in 1990, only 92 remained both NLD members and members-elect of parliament. As for the rest, it claimed that 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died. In contrast with these figures, the CRPP claimed in September 2000 to enjoy the support of 433 of the 485 members-elect of parliament.

Late in 2000, with encouragement from then-U.N. Special Representative Ismail Razali, the Government initiated talks with Aung San Suu Kyi that produced some relaxation in the restrictions on the NLD. In addition the NLD was able to resume some activities, and press attacks on the NLD and Aung San Suu Kyi ceased. However, after over a year, the talks still have not moved beyond the confidence building stage and have produced only modest results.

The percentage of women in government and politics does not correspond with their percentage of the population. Women also are excluded from military leadership. There were no female members of the SPDC, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

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

The Government does not allow independent human rights organizations to exist, and it remained generally hostile to outside scrutiny of its human rights record.

The military abuses human rights workers. For example, according to the Chin Human Rights Organization, in 2000 the army killed Zo Thang, a field monitor for the NGO, as well as two associates, in Bung Khua village, Chin State.

The Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens concerning contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about government human rights abuses to foreigners all impeded efforts to collect or investigate information regarding human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified with certainty.

There are approximately 25 nonpolitical, international humanitarian NGO's working in the country. A few others have established a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Beginning this year, international NGO's must have a government ministry representative accompany them on all field visits, at the NGO's expense (see Section 1.f.).

The Government has refused to meet with representatives of the U.N. Commission on Human Rights (UNCHR), which repeatedly has criticized the Government's human rights record. However, for the first time in 6 years, the Government twice permitted the U.N. Special Rapporteur to visit the country. In a report issued after his visit, U.N. Special Rapporteur Pinheiro cited instances of positive change and pledged to work with the Government, the opposition, members of civil society, and the international community to promote human rights in the country. However, Pinheiro also cited problems, including the denial of fundamental freedoms of assembly, association, expression, and movement. Pinheiro also cited "the gross violations of human rights of civilians" living in areas of conflict in eastern Karen and Kayah States, southern Shan State, northern Sagaing Division, and Rakhine and Chin States.

The Government announced the creation of a Human Rights Committee during the year, which is to be chaired by the Minister of Home Affairs and also includes the Chief of Police. The Government also participated in workshops on human rights in Burma that were sponsored by the Australian government.

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

The military junta continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

Women.—Domestic violence against women, including spousal abuse, appears to be relatively infrequent. The Government has not released comprehensive statistics regarding spousal abuse or domestic violence. Married couples often live in households with extended families, where social pressure tends to protect the wife from abuse.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. The Government states that rape is not common in populated urban areas but occurs more often in remote areas. The Government has not released comprehensive statistics regarding rape.

Prostitution is prohibited by law and punishable with 3 years in prison; however, it is becoming an increasing problem, particularly in some of Rangoon's "border towns" and "new towns," which are populated chiefly by poor families that have

been relocated forcibly from older areas of the capital. The Government and at least one international NGO operate schools and other rehabilitation programs for former prostitutes.

Trafficking in women for the purposes of prostitution also is a serious problem (see Section 6.f.).

In general women traditionally have enjoyed a high social and economic status and have exercised most of the same basic rights as men. Consistent with traditional culture, women keep their names after marriage and often control family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. Poverty, which is particularly widespread in rural areas, also affects women disproportionately.

There are no laws against sexual harassment. Women do not receive equal pay for equal work on a consistent basis. Women legally are entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded to women. In an effort to combat trafficking in women, the Government also has begun to discourage women from marrying foreigners and to restrict foreign travel by women. However, it has not enforced these restrictions consistently (see Sections 2.d. and 6.f.).

There are no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare is responsible for safeguarding women's interests. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. A professional society for businesswomen, the Myanmar Women Entrepreneurs' Association, provides loans to new businesses.

Children.—The Government continued to neglect the education of children, allocating a minimal level of resources to public education. According to the latest available statistics, government expenditures for all civilian education were equivalent to less than 1 percent of recorded gross domestic product during the year and have declined by more than 70 percent in real terms since 1990. According to government studies conducted with U.N. assistance, only 37 percent of children finished fourth grade in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the year, largely due to increasing formal and informal school fees, as the junta diverted expenditures from health and education to the armed forces. Teachers' salaries are far below subsistence wages and have forced many teachers to quit teaching out of economic necessity; on average, a teacher's pay is equal only to approximately 7 dollars (10,000 Kyats) monthly. Increasingly, only relatively prosperous families are able to afford to send their children to school, even at the primary level. In ethnic minority areas, the army often has banned teaching in local languages. In some areas in the center of the country, in which few families are able to afford unofficial payments to teachers, teachers generally no longer come to work and schools no longer function. In response to government neglect, private institutions have begun to provide assistance in education, despite an official monopoly on education.

Children also suffer greatly from the junta's severe and worsening neglect of health care. The junta has cut government expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998–99 equivalent to only 0.3 percent of GDP. Government studies sponsored by U.N. agencies in 1997 found that, on average, 131 of 1,000 children died before reaching the age of 5 years, and that only 1 of 20 births in rural areas was attended by a doctor. Those same studies indicated that, of children under 3 years old, 37 percent were malnourished, and 13 percent were severely malnourished. The World Health Organization considers the country's health care system to be extremely poor.

Child abuse is prohibited by law. The Government states that child abuse is not a significant problem; however, the Government has not released comprehensive statistics regarding child abuse.

Child prostitution and trafficking in girls for the purpose of prostitution—especially Shan girls who were sent or lured to Thailand—continued to be a major problem (see Section 6.f.). While legislation criminalizing child prostitution and child pornography exists, it is enforced poorly. Reports from Thailand indicated that the rising incidence of HIV infection there has increased the demand for supposedly “safer” younger prostitutes, many of whom come from Burma. Trafficking in persons within the country appears to be a growing problem; however there are no reliable statistics regarding its extent (see Section 6.f.). The Government does not help locate families of freed child trafficking victims to assist in their repatriation from Thailand.

The army conscripts children as young as the age of 14, especially orphans and street children. These children are deployed to training camps where they support the military combat forces. In combat areas, the military continued to force children to work as porters, and often subjected them to beatings (see Sections 1.g., 6.c., and 6.d.).

Persons with Disabilities.—In principle official assistance to persons with disabilities includes two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance is extremely limited. There is no law mandating accessibility to buildings, public transportation, or government facilities. While there are several small-scale organizations to assist persons with disabilities, most must rely on their families to provide for their welfare. Military veterans with disabilities receive available benefits on a priority basis. Because of landmine detonations, there are a large number of amputees.

Religious Minorities.—The great majority of the country's population follows Theravada Buddhism. However, there are minorities of Christians (mostly Baptists, as well as some Catholics and Anglicans), Muslims (mostly Sunni), Hindus, and practitioners of traditional Chinese and indigenous religions. There are social tensions between the Buddhist majority and the Christian and Muslim minorities, largely due to government preference (although not in law) for non-Buddhists during the period of British colonial rule and for Buddhists since independence.

The Government discriminates against non-Buddhists at upper levels of the public sector. Only one non-Buddhist served in the Government at the ministerial level, and the same person, a brigadier general, is the only non-Buddhist known to have held flag rank in the armed forces since the 1990's. The Government actively discourages Muslims from entering military service, and Christian or Muslim military officers who aspire to promotion beyond the middle ranks are encouraged by their superiors to convert to Buddhism.

According to the Islamic Republic News Agency, there are credible reports that hundreds of Christian tribal Nagas in the country have been converted forcibly to Buddhism by the country's military. The persons were lured with promises of government jobs to convert to Buddhism, while those who resisted were abused and kept as bonded labor by the military (see Section 6.c.).

Members of the Muslim Rohingya minority in Arakan State, on the country's western coast, continued to experience severe legal, economic, and social discrimination. The Government denies citizenship status to most Rohingyas on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law. In 1991 and again in 1997 and 1998, tens of thousands of Rohingya fled from Arakan State into Bangladesh following anti-Muslim violence alleged (although not proven) to have involved government troops. Most of those refugees since have returned, although 22,000 reportedly still remain in Bangladesh. In addition, more than 100,000 Rohingya live outside the camps with no formal documentation as refugees. Rohingyas who have returned to Arakan claimed that they faced government restrictions on their ability to travel and to engage in economic activity. In addition government authorities in Arakan State reportedly have forced Muslims to build Buddhist pagodas and provide portorage as part of the country's forced labor programs, and have confiscated land and produce, restricted their freedom of movement, and engaged in other abuses (see Sections 1.c., 2.d., and 6.c.). Because the Government reserves secondary education for citizens, Rohingyas do not have access to state run schools beyond primary education and are unable to obtain most civil service positions.

There are credible reports that anti-Islamic booklets were distributed throughout the country in 1999. In addition in 1999 and 2000, the Government forcibly relocated approximately 200 Buddhist slum dwellers from Dagon township in Rangoon to Arakan State; the relocation had the dual effect of contributing to the elimination of slums in Rangoon, while increasing the population of Buddhist citizens in Arakan State. According to credible reports, in 2000 the Government opened several "model villages" for Buddhist families that had been relocated from other areas. The Government seized without compensation the land of the Rohingyas already residing in the areas to engage in construction and maintenance, including requisitioning food supplies. In addition, the Muslim Rohingyas often are forced to build Buddhist pagodas for the new arrivals (see Sections 2.c., 2.d., and 6.c.). Since 1994 when progovernment DKBA was organized, there has been armed conflict between the DKBA and the Christian led KNU. The conflict between the two groups has had strong religious overtones. During the year, there was increasing anti-Muslim violence. In May 6 persons were killed, and 20 injured, 120 Muslim shops and homes burned, and 6 mosques destroyed (see Section 1.a.). In addition, in October during clashes between Muslims and Buddhists in Pegu, Pyay, and Taungoo, an undeter-

mined number of persons were killed. An activist group based in Thailand alleged that another 100 persons were killed in a riot in southern Burma, during which members of the USDA clashed with Muslims in Pha-auk village. The violence significantly heightened tensions between the Buddhist and Muslim communities during the year (see Section 2.c.).

In June 2000, authorities claimed that on June 17, 2000, Karenni National Progressive Party insurgents shot and wounded a Catholic priest, Father Abe Lei, and took four other persons hostage in Kayah State. Other reports indicated that the priest was shot accidentally and the four persons taken hostage were not associated with him. The reports also indicated that the hostages have since been released.

National/Racial/Ethnic Minorities.—Wide-ranging governmental and societal discrimination against minorities persists. Animosity between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active insurgencies that resulted in many killings and other serious abuses during the year. Some frequently reported abuses included killings, beatings, and rapes of Chin, Karen, Karenni, and Shan by mainly army soldiers (see Sections 1.a., 1.c., and 1.g.). Since the early 1990's, the junta has sought to pacify these ethnic groups through negotiated cease-fires, grants of limited autonomy, and promises of development assistance.

The Government continued to discriminate systematically against non-Burmans. National identity cards and passports generally indicate the ethnicity of non-Burmans, either explicitly or through the use of a personal title in the ethnic minority language rather than in Burmese. Ethnic minority areas that were remote from active insurgent operations, such as the large Karen areas of Irrawaddy Division, experienced tighter controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons, and hence more informal taxes, than comparable Burman areas.

Ethnic minority groups generally use their own primary languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the sole language of instruction in all state schools. Even in ethnic minority areas, primary and secondary state schools did not offer instruction in the local ethnic minority language, even as a second language. There were very few domestic publications in indigenous minority languages. In some ethnic minority areas, such as Chin State, there continued to be many reports that the army offered financial and career incentives for Burman soldiers to marry Chin women, teach them Burmese, and convert them to Buddhism. Since the early 1990's, there have been many credible reports that the junta resettled groups of Burmans in various ethnic minority areas. Evidence of such resettlement is visible along the Heho-Nyaungshwe road in Shan State and along the Mandalay-Mogok road toward Shan State.

The ethnic minority populations continued to claim that the Government has not addressed their concerns adequately. Economic development among minorities continues to lag, leaving many persons living below subsistence levels.

There are ethnic tensions between Burmans and nonindigenous ethnic populations, including Indians, many of whom are Muslims, and a rapidly growing population of Chinese, most of whom immigrated from Yunnan province and increasingly dominate the economy of the northern part of the country. Both groups have tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans; however, such commercial success has caused resentment among the Burman majority.

Since only persons who are able to prove long familial links to the country are accorded full citizenship, nonindigenous ethnic populations (such as Chinese and Indians) are denied full citizenship and are excluded from government positions. Persons without full citizenship face restrictions in domestic travel (see Section 2.d.). They also are barred from certain advanced university programs in medicine and technological fields.

Section 6. Worker Rights

a. The Right of Association.—The 1926 Trade Unions Act, which remained in effect, permits workers to form of trade unions only with the prior consent of the Government; however, no free trade unions exist in the country, and the junta has dissolved even the government-controlled union that existed before 1988.

By law workers generally are prohibited from striking, although a small number of workers are provided the right to strike. The last reported strike was in 2000, when an employer retracted its promise to pay piece rates. Thirty workers were detained, many for up to 3 months. All lost their jobs.

In June the Committee on the Application of Convention and Recommendations of the International Labor Conference once again expressed profound regret regard-

ing the persistence of serious discrepancies between the law and practice with respect to freedom of association. The Committee also criticized the Government for not implementing the provisions of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, which the Government ratified in 1955. In his testimony to the Committee, a government representative said that the Trade Unions Law was being revised, but that he could not provide the draft text at the present time.

No unions in the country are affiliated internationally. The Government forbids seafarers who find work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation and the Government often refused to document seafarers stranded abroad (see Section 2.d.).

In 1989 the U.S. suspended the country's eligibility for trade concessions under the Generalized System of Preferences program until steps were taken to afford its labor force internationally recognized worker rights.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, has been dormant since 1988. Township-level labor supervisory committees exist to address minor labor concerns.

The Government unilaterally sets wages in the public sector. In the private sector, market forces generally set wages. However, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

There are no export processing zones (EPZ's). However, there are special military-owned industrial parks, such as Pyin-Ma-Bin, near Rangoon, which attracts foreign investors. Another example is the 2,000-acre Hlaingthaya Industrial Zone in Rangoon; at least four companies are known to operate on its premises (see Section 6.c.).

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor remains a widespread and serious problem. Although the Penal Code provides for the punishment of persons who impose forced labor on others, there are no known cases of the application of this provision. Throughout the country, international observers have confirmed that the Government routinely forces citizens to work on construction and maintenance projects. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children occurs.

In 2000 the International Labor Conference determined that the Government had not taken effective action to deal with the "widespread and systematic" use of forced labor in the country and, for the first time in its history, called on all ILO members to review their relations with the Government and take appropriate measures to ensure that the Government would not be able to take advantage of such relations to perpetuate or extend the system of forced labor. The Government at first rejected the ILO's actions and statements; however, in September and October, it allowed an ILO assessment team to visit the country to review the status of the Government's efforts to eliminate forced labor.

Discussions between the ILO and the Government have continued. The ILO High-Level Team, following its 3-week visit to review forced labor in September, noted that the Government appeared sincere. However, the team found very little progress in practice and that forced labor remains a serious problem, especially in the ethnic areas near the borders and in villages near military camps. When the ILO Governing Body released its November report, it stated that it would again review the situation in March 2002 to determine whether the Government had made any progress.

In March the International Confederation of Free Trade Unions (ICFTU) found that women, children, and elderly persons, were required to perform forced labor; that porters often were sent into dangerous military situations, rarely received medical treatment, and almost never were compensated; that forced laborers frequently were beaten; and that some women performing forced labor were raped or otherwise abused sexually by soldiers (see Section 1.c.). The ICFTU report also included several cases of the military pressuring on civilians to conceal the incidence and extent of forced labor from the ILO investigation team during the year.

In November the ICFTU submitted extensive new evidence to the ILO that the country's military authorities continued to resort to forced labor on a massive scale, including forced portering for the army, forced labor on roads and railroads, and forced supply of construction materials.

Many detailed credible reports indicate that in recent years, especially in areas inhabited chiefly by members of the Chin, Karen, Karenni, and Shan ethnic groups, army units have increased their use of forced labor for logistical support purposes, including to build, repair, or maintain army camps and roads, and to plant crops, cut or gather wood, cook, clean, launder, weave baskets, fetch water for army units and—in the case of young women—to provide sexual services to soldiers. The number of reports of such practices has increased since 1997, when the junta required regional military commanders to become more self-sufficient (see Sections 1.f. and 1.g.).

Authorities continued to impose forced labor, chiefly, although not exclusively, on rural populations, and imposed forced labor quotas on villages, households, or persons directly or through village headmen. Government authorities often allowed households or persons to substitute money or food for contributions of labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. The Government allocated funds to regional and local authorities to pay wages to at least some of the civilians on whom it imposed labor obligations; however, these wages were set at levels below the prevailing wage, and reports indicated that local authorities commonly did not disburse allocated funds to workers. Especially in ethnic minority areas, the army often deployed soldiers to guard persons engaged in forced labor; there also were reports that soldiers often beat and occasionally killed workers (see Sections 1.a. and 1.c.). In October Amnesty International stated that “the military frequently forces men, women and children from ethnic minorities to carry heavy loads over tough terrain for days or weeks at a time or to work on construction projects such as building railways, roads and dams.” The organization reported that “hundreds” had died from exhaustion and beatings.

Government troops also forced villagers to eradicate opium poppy fields.

There are many specific examples of forced labor. According to the SHRF, since August hundreds of persons from 16 to 17 villages in Wan Zing tract have been working daily to fix a major road, approximately 40 miles long. Villagers are required to work, provide their own food, and bring their own working tools. Villagers reportedly claim that the use of forced labor by the local military authorities has increased. Beginning in February 2000, residents from the townships of Monywa, Kane, Min Kin, and Kalewa in Sagaing Division were forced to construct a new road along the Chindwin River from Monywa to Kalewa. Since May 2000, several villagers in Mawleik Township of Sagaing Division were forced to provide labor for the repair of the Thet Ke Kyin Homalin highway and bridges. Households that are unable to provide labor are forced to pay \$0.75 to \$6.75 (300 Kyat to 2,700 Kyat) per household. There also were reports that the Government used forced labor to construct infrastructure to support tourism. According to credible sources, in February 2000, the SPDC announced plans to develop the Karen hill town of Than Daung Cyi as a tourist “hill resort.” Immediately after the announcement, new army battalions moved in, land was confiscated from the town’s residents and surrounding villages, and persons began forced labor on a road to the hot springs at Ker Weh. In addition, since late 1998, the Government has used large amounts of forced labor on a project to double the country’s cultivated land by developing 22 million acres of wetlands and virgin land. According to SHRF, SPDC troops have been confiscating lands, mostly woodlands, for military camps. For example, according to SHRF, since July 50 to 60 persons in Nam-Zarng township have been forced by SPDC troops to dig approximately one mile long irrigation ditch through a stretch of rice fields of the local farmers. In 2000 authorities in a township in Sagaing Division reportedly forced villagers to clear 1,000 acres of land or pay a fine of more than \$8.75 (3,500 Kyat) per household. Authorities in Irrawaddy Division ordered residents of a village both to clear over 100 acres of land as part of a wetlands reclamation project, and to pay for equipment needed to clear the land.

There also have been credible reports that government officials and security forces compelled both Buddhists and non-Buddhists to contribute money, food, and uncompensated labor to build, renovate, or maintain Buddhist shrines or monuments. There also were reports in 2000 that forced labor was used to dismantle temples and monasteries (see Section 2.c.).

The army continued to force citizens—including women and children—to work as porters in military actions against ethnic insurgents. This practice continued to lead to illness and death (see Sections 1.a., 1.c., 6.d., and 6.f.).

Both the 1999 report of the ILO’s Director General and reports by NGO’s, including Amnesty International, described dozens of cases of forced portage. Sources working with refugees among ethnic groups in Thailand also reported increased forced portage during the last three months of the year and widespread disregard for the ban on forced labor. According to local reports, in Northern Rakhine State, all of the men and boys of a village between the ages of 7 and 35 contribute 10 days

per month of labor to the military. Local villages reportedly must provide males to the authorities every 2 weeks to serve as porters and to carry food and ammunition toward the border with Bangladesh to military camps. According to SHRF, in mid-June, SPDC troops forcibly conscripted 250 civilian porters, including 108 women and children, many of whom were between the ages of 8 and 16. Some children were forced to carry 6 cans of milk and some 10 rounds of mortar shells each, and were kicked and beaten when they could not move fast enough (see Section 1.g. and 6.d.). Rohingyas claim that their group is the only one in the area whose members are forced to serve as porters for the army, and that the nearby model villages that are populated by Buddhist Burmans from the cities are exempt from portering, forced labor, and forced contributions of foodstuffs (see Sections 2.d. and 5).

Parents routinely called upon their children to help fulfill their households' forced labor obligations, without government opposition (see Section 6.d.).

There were numerous, detailed, and credible reports during the year that forced labor, including forced child labor, was used directly in growing, harvesting, and transporting some crops, chiefly for army units. Widespread forced labor, including forced child labor, continued to contribute materially to the construction and maintenance not only of irrigation facilities important to the cultivation of some export crops, including rice, but also of roads and some railroads important for the transportation of exports to ports. Forced labor, including forced child labor, has contributed materially to the construction of industrial parks subsequently used largely to produce manufactured exports, including garments. According to two eyewitness accounts, forced labor was used to develop the Hlaingthaya Industrial Zone in Rangoon in 2000 (see Section 6.b.). There have been many credible reports that forced labor, including forced child labor, has been used widely since 1998 to clear and drain virgin lands and wetlands for the cultivation of crops, many of which, according to public descriptions of the Government's economic plans, are intended largely for export.

The Ministry of Home Affairs also operates forced prison labor camps for portering, quarries, agriculture, livestock farms, roads and infrastructure, and other activities. Inmates sent to labor camps reportedly serve sentences that range from 6 months to 10 years; most are nonviolent offenders. The Government's use of prison labor reportedly has increased significantly in recent years. The prison labor camp system is reportedly the main recruiting ground for the military's most severely mistreated forced laborers, such as porters who die en route and civilians who are sent into mine fields. The mortality rate of prisoners in labor camps is reportedly extremely high (see Section 1.c.).

The authorities reportedly round up street children, provide them with military training, and forcibly conscript them (see Sections 5 and 6.d.).

Trafficking in women and girls to neighboring countries for the purpose of prostitution remained a serious problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the law sets a minimum age of 13 for the employment of children, in practice the law is not enforced. The Government has not ratified the ILO Convention on the Minimum Age requirement. Child labor has become increasingly prevalent and visible. Working children are highly visible in cities, mostly working for small or family enterprises. In the countryside, children work in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often begin work at young ages. Children are hired at lower pay rates than adults performing similar work. In the urban informal sector, child workers are found mostly in food processing, street vending refuse-collecting, light manufacturing, and as tea shop attendants. According to government statistics, 6 percent of urban children work, but only 4 percent of working children earn wages.

The law does not prohibit specifically forced and bonded labor by children; while bonded labor is not practiced, forced labor by children occurs (see Section 6.c.). The military Government reportedly uses children as porters in infrastructure development and in providing other services to military forces (see Section 6.c.). The authorities reportedly often round up orphans and street children in Rangoon and other cities and force them into military service (see Section 6.c.). Children also are forced to serve as porters in combat areas, in which beatings and other mistreatment reportedly occur (see Section 6.f.).

Households reportedly satisfy forced labor quotas by sending their least productive workers (usually children), and government authorities have accepted such workers in satisfaction of those quotas. Children often build or repair roads and irrigation facilities. In recent years, there have been growing numbers of reports that military units in various ethnic minority areas either forced children to perform support services, such as fetching water, cleaning, cutting bamboo, or cultivating

food crops, or allowed households or villages to use children to satisfy army orders to perform such services (see Sections 1.f. and 6.c.).

Trafficking in girls to neighboring countries for the purpose of forced prostitution remained a serious problem (see Sections 5 and 6.f.).

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

There are credible reports that insurgents also used women and children as porters.

e. Acceptable Conditions of Work.—Only government employees and employees of a few traditional industries are covered by minimum wage provisions. The minimum daily wage for salaried public employees is \$0.25 (100 Kyats) for what is in effect a 6-hour workday. Various subsidies and allowances supplement this sum. Neither the minimum wage nor the higher wages earned even by senior government officials provides a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption. In the private sector, urban laborers earn approximately \$0.50 per day (200 Kyat), while rural agricultural workers earn approximately half that rate. Some private sector workers earn substantially more; a skilled factory worker earns approximately \$12 per day (4,800 Kyat).

Surplus labor conditions, a poor economy, and lack of protection by the Government continue to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There are legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers have 21 paid holidays per year. However, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture.

Numerous health and safety regulations exist, but in practice the Government has not made the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers cannot expect to retain their jobs if they do so.

f. Trafficking in Persons.—Although there are laws—including laws against abduction—that prohibit some aspects of trafficking in persons, no law is known specifically to prohibit trafficking, and trafficking in women and children is a severe problem. Trafficking for purposes of forced labor and porters is also a severe problem (see Section 1.c., 5, and 6.c.).

Burma is a country of origin for trafficking, primarily of women and girls, to Thailand and other countries for sexual exploitation and, factory labor, and as household servants. There also is internal trafficking of women and girls from areas of extreme poverty to areas in which prostitution is common, primarily in major cities and along the borders with Thailand, China, and India. Men and boys also reportedly are trafficked to other countries for sexual exploitation and labor, but this appears to be a small percentage of overall trafficking.

Thailand is believed to be the primary destination for trafficked Burmese citizens; other destinations include China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Singapore, Japan, and countries in the Middle East. While most observers believe that the number of victims is at least several thousand per year, there are no reliable estimates of the total number of trafficked persons. The Government acknowledged that the problem exists and began creating a framework to address it. However, it has not committed sufficient resources to combat trafficking. The Government has not collected meaningful data on the incidence of trafficking, nor has it made any serious effort to arrest or prosecute traffickers. The Government has not facilitated the repatriation of trafficking victims or worked with international NGO's or other governments to address the problem. Corruption among local government officials is widespread and includes complicity in the trafficking of persons. There is evidence of government fraud in connection with the trafficking in persons, mostly resulting from the Government's control over persons.

Government efforts to stop trafficking in young women are limited and relatively ineffective, despite sporadic arrests. There are regulations forbidding girls under age 25 from crossing the border unless accompanied by a guardian. In recent years the Government has made it difficult for women to obtain passports or marry foreigners in order to reduce the outflow of women both as victims of trafficking and for other reasons (see Sections 1.f. and 2.d.). However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports. There also is evidence of fraud. It is illegal to leave the country without government authorization.

The Government has adopted the Bangkok Accord and Plan of Action Against Trafficking; there also is an interagency task force on trafficking. However, the Government provides no assistance to repatriated victims.

A number of NGO's offer poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful.

CAMBODIA

Cambodia is a constitutional monarchy. Political stability, achieved through the coalition government formed following the 1998 national elections, continued through year's end. Hun Sen of the Cambodian People's Party (CPP) is Prime Minister, Prince Norodom Ranariddh of the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) is President of the National Assembly, and Chea Sim of the CPP is President of the Senate. King Norodom Sihanouk remains the constitutional monarch and Head of State. Most power lies within the executive branch and, although its influence continues to grow within the coalition structure, the National Assembly does not provide a significant check to executive power. The Khmer Rouge no longer is a political or military threat. The judiciary is not independent; it frequently is subject to legislative and executive influence, and suffers from corruption.

The National Police, an agency of the Ministry of Interior, have primary responsibility for internal security, but the Royal Cambodian Armed Forces (RCAF), including the military police, also have domestic security responsibilities. Security forces are nominally under the control of civilian authorities, but in practice answer to persons within the CPP. The responsiveness of local police and military commanders to civilian authorities varies by location. Members of the security forces committed numerous documented human rights abuses.

Cambodia is a poor country. It has a market economy in which approximately 80 percent of the population of 12.1 million engage in subsistence farming, with rice as the principal crop. Economic deprivation and poor health characterize life for most citizens. Annual per capita gross domestic product is \$257. Average life expectancy is approximately 50 years. Foreign aid is an important component of national income. The economy grew at an estimated rate of 4.0 percent during the year. The country has a thriving garment export industry, but has difficulty in attracting foreign investment and mobilizing domestic savings to support economic development.

The Government generally respected the human rights of its citizens in a few areas; however, its record was poor in many other areas, and serious problems remained. The military forces and police were responsible for both political and non-political killings, and the Government rarely prosecuted anyone in such cases. There were other apparently politically motivated killings by nonsecurity force persons as well. The Government arrested suspects in some of these cases and convicted suspects in two such cases. Police acquiesced in or failed to stop lethal violence by citizens against criminal suspects; the Government rarely investigated such killings, and impunity remained a problem. There were credible reports that members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Impunity for many who commit human rights abuses remained a serious problem. With some exceptions, national and local government officials lacked the political will and financial resources to act effectively against members of the security forces suspected of responsibility for human rights abuses. Democratic institutions, especially the judiciary, remained weak. The judiciary is subject to influence and interference by the executive branch and is marred by inefficiency and corruption. Politically related crimes rarely were prosecuted. Citizens often appear without defense counsel and thereby effectively are denied the right to a fair trial. The Supreme Council of Magistracy disciplined 26 judges and prosecutors for misconduct during the year but did not impose harsh penalties. Land disputes remained frequent, and the Government and courts did not consistently resolve them in a just manner. A new land law went into effect in July. The Government largely controlled and influenced the content of the electronic broadcast media, especially television. The authorities on occasion attempted to interfere with freedom of assembly. Election related violence and intimidation occurred less frequently than in previous national elections, and the Government took action against some perpetrators, but not consistently. Societal discrimination against women remained a problem. Domestic violence against women and abuse of children were common. Discrimination against persons with disabilities was a problem. The ethnic Vietnamese minority continued to face widespread dis-

crimination. Unlike in previous years, the political opposition did not exploit actively anti-Vietnamese sentiment. The number of trade unions grew, and they became more active than in previous years. The Government continued to express support for freedom of association but did not enforce freedom of association and other provisions of the Labor Law effectively. Antiunion activity continued. Child labor continued to be a problem in the informal sector of the economy, including in the commercial sex industry, where forced labor was also a serious problem. Domestic and cross-border trafficking in women and children, including for the purpose of prostitution, was a serious problem. Mob violence, although none was ethnically directed, resulted in some vigilante-style killings. Landmines killed 163 persons and injured 634.

In July a law entered into force establishing a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. The Government is seeking assistance and cooperation from the United Nations and will need financial assistance from foreign donors to make the tribunal operational.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Allegations of politically motivated killings increased during the year as preparations for February 2002 commune-level elections began. The U.N. High Commissioner for Human Rights (UNHCHR) reported that during the year 12 political activists, including candidates, were killed under circumstances that were suspect. Human rights monitoring organizations agreed that at least five of these killings were politically motivated. All of the victims were members of the FUNCINPEC party or the opposition Sam Rainsy Party (SRP). The Government arrested suspects in several such cases, and convicted the accused in two cases. However, UNHCHR reported that there were serious shortcomings in the police investigations and in the subsequent judicial process, including a reluctance to probe possible political motives. In some cases, the authorities failed to execute summonses or search warrants against suspects believed to be protected by the military. Government officials also declared the crimes not to be politically motivated before investigations were complete, and actively propagated rumors that the killers believed the victims were sorcerers, even in cases where there was no evidence of such a motive. The investigation of some cases proceeded very slowly, and, in one case, the authorities did not question a village chief who had advance knowledge of plans to kill the victim but failed to report or act to prevent it. In October a provincial court convicted the confessed killer and an accomplice in the June murder of SRP activist Uch Horn, sentencing them to 15 and 14 years in prison respectively. In March a Kamot provincial court sentenced a former CPP commune chief to 17 years in prison for the June 2000 murders of a FUNCINPEC activist and his wife. The judges did not comment on whether the killings were politically motivated.

There were numerous allegations of beatings of prisoners in police custody, including one case in Prey Veng province in July in which police beat a prisoner to death. A domestic nongovernmental organization (NGO) reported that between January and October 15 prisoners died of disease while in custody (see Section 1.c.).

Police and military forces continued to acquiesce in or fail to prevent mob violence against suspected criminals, which resulted in dozens of killings, although the number of such killings was lower than in previous years. In April a mob overpowered police and beat two alleged robbers in police custody to death. The Government never has prosecuted anyone for participation in such cases of mob violence, but a provincial court in Svay Rieng did begin an investigation into one such mob killing that occurred in 1999.

According to the Cambodian Red Cross, 163 persons were killed and 634 injured by landmines deployed by the Khmer Rouge or various government forces during previous conflicts. The number of such casualties was slightly higher than in 2000, but substantially lower than in previous years.

The Government has not arrested or prosecuted anyone in connection with the killing of three persons by soldiers in Kratie province in May 2000. Human rights organizations continue to investigate these killings, as well as the alleged disappearance of 32 other persons in connection with the same event. Of the 32, 9 eventually were confirmed to be alive, and the Government maintains that no one is missing.

The Government has not prosecuted most of those responsible for the numerous political or extrajudicial killings committed during the term of the previous government (from 1993 to 1998) and reported by UNHCHR in 1997 and 1998. Former Khmer Rouge officials Ta Mok and Kiang Kek Iev (“Duch”), accused of mass killings

and other crimes, remained in jail. Government efforts continued to bring these and other senior Khmer Rouge officials to justice for their alleged crimes committed from 1975 through 1979, and included the entry into force of a law establishing a special tribunal to bring Khmer Rouge leaders to justice (see Section 1.e.). The Government is seeking assistance and cooperation from the U.N. and will need financial assistance from foreign donors to make the tribunal operational.

The Supreme Court is considering an appeal filed by former Khmer Rouge commander Nuon Paet of an October 2000 Appeals Court decision upholding his 1999 conviction for his role in a 1994 train ambush that resulted in the deaths of 3 foreigners and at least 13 citizens. Nuon Paet remained in custody serving a life sentence. In May prosecutors sent forward an appeal by the families of the foreign victims of the July 2000 acquittal of Chhouk Rin, another former Khmer Rouge commander allegedly involved in the ambush. In June the RCAF discharged Sam Bith, a third former Khmer Rouge commander implicated in the ambush, and dismissed him from his position as advisor to the Co-Minister of Defense. Sam Bith had not been arrested by year's end.

In June a municipal court convicted 30 persons, including 2 in absentia, and acquitted 2 others on charges of terrorism or conspiracy and membership in an armed group for their roles in the November 2000 attack in Phnom Penh by the foreign-headquartered Cambodian Freedom Fighters (CFF) organization in which 8 persons were killed and 14 others injured (see Section 1.e.). In November the municipal court convicted another 26 persons and acquitted 2 others in connection with the incident. Human rights groups and other observers criticized the Government and courts for the way they conducted their investigation and trials (see Section 1.d.). Some of those convicted have appealed.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances, but local NGO's investigated cases in several provinces in which individuals allegedly disappeared after detention by police. One such person was located by a local NGO in his home village. The UNHCHR and a local NGO also continued investigating the disappearance in 2000 of five persons from various parts of Kratie province following detention by security officials (these disappearances are unrelated to the 23 persons who allegedly disappeared there in May 2000 (see Section 1.a.)). By year's end, all five remained missing, and government and NGO efforts to establish their whereabouts continued.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem throughout the country. There were credible reports that military and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. The problem was compounded by a climate of impunity, whereby police and security force perpetrators of torture and abuse frequently were protected from prosecution or disciplinary action by local government authorities, despite some central government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

During the year, the Ministry of Interior was slow to investigate allegations by the UNHCHR of torture and severe abuse of individuals in detention in various parts of the country, including one case in July in Prey Veng province when police beat a prisoner to death. However, provincial prosecutors filed preliminary charges against prison officials in Kampong Cham province for alleged mistreatment of prisoners following an escape attempt in 1999.

Dozens of detainees in several provinces reported regular beatings in police custody. One domestic human rights NGO investigated 21 cases of torture involving 27 victims during the year. There were few reports of torture or physical abuse of prisoners who have been convicted and are serving their sentences. The Ministry of Interior's Prisons Department is responsible for both detainees and prisoners.

There were credible reports that local authorities harassed members of the FUNCINPEC party and the SRP. Such harassment allegedly included death threats, threats of loss of citizenship documents, and the withholding of routine services (see Section 3.).

Prison conditions remained harsh, and government efforts to improve prison conditions and implement new regulations were hampered by lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. One domestic NGO reported that 50 prisoners died of disease while in custody during the year. In most prisons, there is no separation of adult prisoners and minors, or of persons convicted of serious crimes and persons detained for minor offenses, and there is inadequate separation of male and female prisoners. Use of

shackles and the practice of holding prisoners in small, dark cells continued in some prisons after escape attempts. Government ration allowances for purchasing prisoners' food remained inadequate, exacerbating malnutrition. Regulations permit families to provide prisoners with food and other necessities, and prisoners depend on such outside assistance; however, families often must bribe prison officials in order to be allowed to provide it.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGO's reported that on occasion cooperation from local authorities was limited (see Section 4). During the year, the Ministry of Interior began requiring lawyers, human rights monitors, and other visitors to obtain letters of permission from the Ministry prior to visiting prisoners. The Ministry has withheld such permission in some cases, particularly for individuals in detention in connection with the crackdown on the CFF (see Section 1.d.). Human rights groups and lawyers also noted that the Government in midyear began to deny them permission to meet prisoners in private, thus inhibiting the ability of lawyers to defend clients and of human rights groups to monitor prison conditions (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. A penal code drafted by the U.N. Transitional Authority for Cambodia (UNTAC) in 1992 remains in effect, as does the 1993 Criminal Procedure Law. The Criminal Procedure Law provides adequate protection for criminal suspects; however, in practice the Government sometimes ignored these provisions. One NGO recorded 28 complaints of unlawful detention and arrest by police, military, or local government authorities between March and August. The Government initiated a crackdown on the CFF in September during the course of which it arrested over 70 suspects, including dozens without arrest warrants, and detained and subsequently released dozens more. The Government held some suspects incommunicado and denied them access to lawyers for a period of time.

Although lengthy detention without charge is illegal, suspects often were held by authorities for long periods before being charged or brought to trial or released. In August an NGO provided the Ministry of Justice with information about 120 persons in prolonged detention throughout the country. According to the UNHCHR, such prolonged detention largely was a result of a growing prison population and the limited capacity of the court system. Accused persons legally are entitled to a lawyer; however, in practice they often have limited access to legal representation. Prisoners routinely are held for several days before gaining access to a lawyer or family members, although the legal limit is 48 hours. Although there is a bail system, many prisoners, particularly those without legal representation, often have no opportunity to seek release on bail.

The Constitution prohibits forced exile, and in practice the Government does not use it. No persons were known to be in self-imposed exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Government does not respect this provision in practice. The courts were subject to influence and interference by the executive, and there is widespread corruption among judges, virtually none of whom received a living wage.

A serious lack of resources and poor training contributed to corruption and inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often have no legal training and often lack copies of the laws upon which they are expected to rule. As a result of these weaknesses, citizens often effectively were denied a fair trial in jurisdictions without regular access to defense lawyers or international judicial assistance programs. The Judicial Reform Council established in 2000 has made no significant progress in fulfilling its mandate to develop and implement judicial reform measures. During the year, the Supreme Council of the Magistracy disciplined 26 judges and prosecutors for misconduct, but none was removed from his position. The harshest penalties meted out were the transfers of eight judges. In June the Supreme Council of the Magistracy nominated to the Appeals Court a former court president and a former prosecutor who had been suspended from their positions and investigated for accepting bribes in 1999. No information about the investigation was released.

Human rights groups continued to report that the Government demonstrates its control of the courts by ordering the rearrest of suspects released by the courts. In September the Prime Minister ordered the rearrest of an acquitted suspected rapist, on the ground that his release was irregular. Legal observers charge that the Supreme Council of the Magistracy is subject to political influence, and does not protect effectively the independence of the judiciary.

The courts and police often pressure crime victims to accept small cash settlements from the accused instead of seeking prosecution. When a case was tried, a

judge sometimes determined the verdict before the case was heard, often on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused usually were the extent of evidence presented in trials. Statements by the accused sometimes were coerced through beatings or threats from investigation officials, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign (see Section 1.c.). In cases involving military personnel, military officers often exerted pressure on judges to have the defendant released without trial.

Court delays or corrupt practices often allowed those accused of crimes to escape prosecution, leading to impunity for some government officials or members of their families who commit crimes.

The courts prosecuted some members of the security forces for human rights abuses, but impunity for those who commit human rights abuses remained a problem. With some exceptions, national and local government officials continued to lack the political will and financial resources to act effectively against military or security officials suspected of human rights abuses.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws, and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies is viewed widely as biased toward the CPP. There is a separate military court system.

Trials are public. Defendants have the right to be present and to consult with an attorney, to confront and question witnesses against them, and to present witnesses and evidence on their own behalf. However, trials typically are perfunctory, and extensive cross examination usually does not take place. In 1998 the introduction of newly trained lawyers, many of whom received supplemental training by NGO's, resulted in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail; however, there remained a critical shortage of trained lawyers in most parts of the country—especially outside Phnom Penh. Persons without the means to secure defense counsel often effectively are denied the right to a fair trial.

Defendants are entitled by law to the presumption of innocence and the right of appeal. However, because of pervasive corruption, defendants often are expected to bribe the judge for a favorable verdict, thereby effectively eliminating the presumption of innocence. Citizens' rights to appeal sometimes are limited by the lack of transportation and other logistical difficulties in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus are heard in the absence of the defendant. Lawyers also noted that in midyear, the authorities began to deny them the right to meet prisoners in private (see Section 1.c.), in violation of the law.

In June human rights groups criticized the convictions of 30 alleged members of the CFF in June, and 26 in November (see Section 1.a.). Although some of the defendants freely admitted involvement in an armed attempt to overthrow the Government, observers raised valid criticisms about the lack of thorough investigation or meaningful cross examination, and the judge's broad use of discretion in accepting or rejecting evidence. A number of the defendants were arrested without warrants and were held longer than the 6-month maximum period of detention permitted by the law.

There was ongoing cooperation among the Government, foreign government donors, and NGO's to improve the legal system.

The military court system suffers from deficiencies similar to those of the civilian court system. Moreover the legal distinction between the military and civil courts often was ignored in practice; several civilian persons arrested for crimes that appear to have no connection with military offenses have been detained for trial by the military court.

In July a law entered into force establishing a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. The Government is seeking assistance and cooperation from the U.N., and financial contributions from foreign donors, to make the tribunal operational.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the privacy of residences and correspondence and prohibits illegal searches; however, the police routinely conducted searches and seizures without warrants. There were no reports that the Government monitored private electronic communications.

Citizens were free to live where they wished; however, there were continued frequent reports of land disputes between residents, local authorities, businesspersons,

and military officials. Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often is unclear, and most landowners lack adequate formal documentation of ownership. Following the end of the Khmer Rouge insurgency, a rush to gain possession of lands near potentially lucrative cross-border trade routes has exacerbated the ownership problem. Several provinces have created land dispute settlement committees; representatives of local NGO's and of the military forces frequently attended committee meetings. Members of the committees often had apparent conflicts of interest, and observers criticized dispute resolution as inconsistent and not transparent.

One domestic NGO investigated 140 land disputes involving Government officials during the year. In one such case in March, a judge in Ratanakiri province ruled against a group of ethnic hill tribe villagers in a land dispute, even though they presented evidence that they had been cheated, because the defendant, an RCAF general, held a title issued by the proper local authorities. The plaintiffs have appealed the case.

In July the National Assembly passed a new land law, clarifying ownership and recognizing for the first time various forms of communal property arrangements, including for indigenous minorities. The Government was in the process of preparing implementing regulations for the new law, and working to improve the land titling system.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, press, and publication, and the Government generally respects these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is “inviolable.” The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinions. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. There were no reports that print journalists practiced self-censorship. There were a large number of news items critical of the Government, which included frequent highly personal criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

In November 2000, the Ministry of Information approved a regulation that specified professional requirements for new newspaper and magazine publishers, and introduced a mandatory licensing system requiring that newspapers renew their licenses annually and that magazines renew their licenses every 2 years. Some journalists' organizations viewed the draft regulation as an attempt to increase Government control over the media. The Ministry was engaged in consultations with these organizations, and had not implemented the regulation by year's end.

Although limited in circulation, newspapers were a primary source of news and expression of political opinion. All major political parties have reasonable and regular access to the print media. In general newspapers were aligned politically. The law permits newspapers to receive financial support from political parties and some newspapers do, including from FUNCINPEC and from the SRP. There were approximately 16 Khmer-language newspapers published regularly, which was roughly the same number as in 2000. Of these, 11 were considered to be progovernment, 4 were considered to support the opposition Sam Rainsy Party (SRP), 1 was considered to support the FUNCINPEC Party, and 1 was considered to be antimonarchy. In addition there was one French-language daily, one English-language daily, and two other English newspapers published regularly. Many of the Khmer-language newspapers frequently published articles translated from the English-language newspapers.

Although the two largest circulation newspapers are considered progovernment, most newspapers criticize the Government frequently, and Prime Minister Hun Sen and National Assembly President Prince Norodom Ranariddh frequently came under strong attack by opposition newspapers. During the year, there were no clear instances of government intimidation or retribution against newspapers for reporting critical of the Government. The director and editor-in-chief of a weekly newspaper were held from April until August on charges of theft and extortion after allegedly asking the owner of a private company for \$500 (specifically in U.S. currency) in exchange for not running a negative story. They were released when the investigating judge dropped the case due to lack of evidence. The newspaper has resumed publication. Domestic journalists' organizations did not challenge the detentions, but appealed to the Government to ensure freedom of the press.

In September the Minister of Foreign Affairs and International Cooperation won a defamation suit against three journalists from an English-language newspaper for

an article containing an attributed quote suggesting that during the 1975–1979 Khmer Rouge regime he played a role in sending prisoners to be interrogated and executed from the prison and reeducation camp where he was the head inmate. The court proceedings were marred by irregularities. The judge did not consider relevant evidence offered by the defendants, and collected evidence of her own in violation of her mandate. The judge denied the defendants' request to be tried under the 1995 Press Law rather than the 1991 transitional UNTAC code, but then ordered them to pay damages to the Foreign Minister and the state under both laws.

In August a municipal judge filed a libel case against an opposition-affiliated newspaper for publishing an article alleging that the judge accepted kickbacks in a property dispute case.

The Government, the military forces, and political parties continued to dominate the broadcast media and to influence their content. According to a report by the UNHCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial. The opposition party in past years was unable to obtain a broadcast license and during the year briefly broadcast radio programming from a site in a neighboring country, but suspended broadcasts for technical reasons. Broadcast journalists reportedly practice self-censorship to enhance prospects for keeping their broadcast license.

There are six television stations, all controlled or strongly influenced by the Government. Government control severely limits the content of television broadcasting. At the initiative of the National Assembly president the Ministry of Information's television station broadcasts live telecasts of National Assembly sessions. Election observers and political parties running against the CPP in local elections complained that they were not given equal access to the media.

National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGO's.

Internet service, which is available widely in the larger towns, is unregulated.

In August the Government issued an order banning the sale of and threatening to confiscate a book published by the SRP. A Government spokesman described it as "promoting instability" but never specified what law the publication violated. The Government never implemented its confiscation threat. The SRP removed the book from circulation and filed a lawsuit against the Government, which was not settled as of year's end.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, but the Government does not fully respect this right in practice. During the year, numerous groups assembled peacefully, including workers and teachers protesting working conditions or wages, political opposition activists supporting various causes, students protesting border encroachments and the visit of Chinese leaders to the country, and various groups protesting land seizures. On occasion, counterdemonstrations by other citizens who supported the Government disrupted the protests, which sometimes resulted in clashes that caused minor injuries to some participants. On one occasion in June and on two occasions in September, police intervened in allegedly violent labor actions (see Section 6.a.). In the course of the June intervention, police detained five labor leaders for alleged involvement in violence. The five subsequently were released.

The Government requires a permit be obtained in advance of a march or demonstration. The Government often did not issue a requested permit or took no action on a permit application; however, these actions had no practical effect because demonstrations proceeded anyway.

In June the Government forbade a private conference on border issues planned by a student group in conjunction with an organization of expatriate Cambodians at a Phnom Penh hotel. The Government never explained the legal basis for its action, but conference organizers canceled the event after the hotel refused to allow the conference on its premises. Throughout the year, there were complaints from various organizations that local authorities demanded that they apply for permission to hold meetings and other events, despite the fact that there is no legal basis for such requirements.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, the Government does not enforce effectively the freedom of association provisions of the Labor Law (see Section 6.a.). In October, the Government adopted a standard Memorandum of Understanding for NGO's, which eliminated provisions from an earlier draft NGO law that the NGO community opposed.

The Government does not coerce or forbid membership in political organizations. Political parties normally are able to conduct their activities freely and without gov-

ernment interference. However, there were several documented cases of harassment of FUNCINPEC and SRP activists and candidates in connection with preparations for the scheduled commune-level elections (see Section 3).

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal, as is membership in an armed group.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experience little or no official discrimination. Buddhism is the state religion and over 95 percent of the population is Buddhist. Most of the remainder is made up of ethnic Cham Muslims, who are well integrated into society.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups have not encountered significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups reported delays by some local officials in acknowledging that official permission has been granted to conduct religious meetings in homes. Such religious meetings take place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly have been reported. In October the Ministry of Cults and Religions issued a circular on “maintaining order in the Islamic religion in the Kingdom of Cambodia,” which would have imposed new restrictions on mosques, including requiring Ministry approval for certain normal activities, particularly those that involved contact with Muslim foreigners. The Prime Minister canceled the circular 3 days later, describing it as contrary to government policy on freedom of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights and the Government generally respects them in practice. The Government does not restrict domestic or international travel, although the presence of land mines (see Section 1.a.) and bandits makes travel in some areas of the country dangerous.

There were no reports of persecution or discrimination against refugees who returned from abroad. The U.N. High Commissioner for Refugees (UNHCR) program assisting in the resettlement of refugees who returned from Thailand formally terminated on December 31. There was no new resettlement of internally displaced persons during the year. Internally displaced persons who resettled in previous years were able to return to their original places of origin, except where land mines were a problem.

The law provides for the granting of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government allows noncitizens to apply to the UNHCR for refugee status. The Government provides first asylum. In March the Government began to facilitate access for Montagnard asylum-seekers from Vietnam to the UNHCR, helped the UNHCR establish temporary refuge locations in two provinces, and cooperated with UNHCR and a foreign government in resettling 38 refugees in the foreign country. The number of residents at the UNHCR’s two temporary sites increased gradually during the year, and was 957 individuals at year’s end. The Government engaged in a tripartite dialog with UNHCR and the Government of Vietnam to resolve the Montagnard refugee problem. However, between March and the end of the year, there were reports that local authorities repatriated as many as 256 possible asylum-seekers against their will, in violation of standing policy to allow them access to UNHCR. This included one group of up to 167 persons deported from Mondolkiri province on December 27. None of these local officials have been punished for their actions. In August the Government also deported to Vietnam a group of up to 43 asylum-seekers who had been processed and denied refugee status by the UNHCR.

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. The 1998 electoral campaign and its aftermath were marred by protests, voter intimidation, and partisan violence, some of it government directed. Despite such incidents, the formation of the new Government appeared to reflect the will of the electorate. Most international and observer groups certified the election as acceptable. The coalition Government formed in late 1998 between the CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 election, renewed political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of the CPP as Prime Minister and Prince Norodom Ranariddh of FUNCINPEC as President of the National Assembly. However, in practice the CPP is the dominant

partner. The coalition agreement also provided for the creation of a Senate, which was formed in March 1999 with Chea Sim of the CPP as President. The Senate's function is to review and provide advice on the laws passed by the National Assembly; the National Assembly retains final authority over whether to modify legislation based on the Senate's recommendations. In practice the Senate's role largely is perfunctory, while the National Assembly is a more credible forum for national debate.

Although growing in influence, the legislature remained weak in comparison with the executive branch. The coalition Government appointed the 24 provincial and municipal governors and their deputies, who are divided between the CPP and FUNCINPEC parties, as well as district officials. Commune-level officials are appointed by the Ministry of Interior, and many have been in power since 1979. All commune-level officials are members of the CPP. In March a Commune Election Law and a Commune Administration Law went into effect, and the Prime Minister scheduled elections for February 2002. These are to be the first local elections ever held in the country, and will replace appointed commune chiefs, some of whom have been in office for over 20 years, with elected councils. Suffrage is universal and voluntary for all citizens over the age of 18. Most citizens participated in national elections in 1993 and 1998, and over 83 percent of eligible voters registered to vote in local elections scheduled for February 2002. More than one candidate was registered in 1,608 of the country's 1,621 communes.

There have been some problems of intimidation and violence in the campaign for the commune elections; however, by year's end they had been less than in the national elections in 1993 or 1998. A total of 12 FUNCINPEC and SRP activists and candidates were killed under suspicious circumstances, including 5 killings that human rights monitoring organizations agreed were politically motivated (see Section I.a.). The authorities arrested suspects in several of these cases, and convicted suspects in two other cases. The UNHCHR uncovered no evidence of a centrally organized campaign of violence or intimidation; most cases appeared to be the work of local officials. However, UNHCHR also reported that police investigations of such incidents and subsequent judicial processes showed serious shortcomings. There also were widespread reports of various forms of intimidation such as vandalism, oath taking, collection of voter registration cards by local authorities, and death threats. The National Election Committee did not carry out effectively its legal mandate to investigate such election violations and punish the perpetrators. These are the first elections the country has organized without substantial foreign assistance, and election preparations also were marked by poor dissemination of information and other logistical and administrative problems. Some political parties and election observers claim that the authorities did not do enough to ensure that all voters who wished to vote could register.

Traditional cultural practices inhibit the role of women in government, and the percentage of women in government and politics does not correspond to their percentage of the population. However, women took an active part in the 1998 national election and have registered for the 2002 elections at roughly the same rate as men. There are 10 women among the 122 members of the National Assembly, 8 women among the 61 members of the Senate, and 2 female ministers and 3 female state secretaries in the Cabinet.

There are several members of ethnic and religious minorities in the Cabinet and the National Assembly (see Section 5); however, the percentage of minorities, particularly ethnic Vietnamese, in government and politics is somewhat smaller than their percentage of the population.

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

The large domestic and international human rights community remained active and engaged in diverse activities. The UNHCHR and numerous other human rights organizations conducted monitoring activities and human rights training for provincial officials, military officers, villagers, the legal community, and other groups. These organizations operated relatively freely throughout the country, investigating and publicizing their findings on human rights cases. There are approximately 40 NGO's involved in human rights activities, although only a small portion of them actively were involved in organizing training programs or investigating abuses. The Government generally cooperated with human rights workers in performing their investigations; however, during the year there were several reports of poor cooperation or intimidation by local authorities throughout the country.

In September 1999, the Government and the UNHCHR agreed to an extension until March 2002 of the UNHCHR's activities in the country, but a formal memorandum of understanding had not been signed by year's end. The UNHCHR maintains a head office in Phnom Penh and has eight provincial offices. The U.N. Special

Representative for Human Rights visited the country three times during the year, and met with government representatives at all levels, as well as with representatives of political parties and NGO's.

Human rights groups and lawyers noted that in midyear the Government began to deny them the right to meet with prisoners in private, which inhibited lawyers in defending their clients and human rights groups in monitoring prison conditions (see Section 1.c.).

The Cambodian Human Rights Committee, which the Government established in 1998, largely was inactive throughout the year, and its activities were not credible.

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

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government does not engage in discrimination systematically, it sometimes failed to protect these rights in practice.

Women.—Domestic and international NGO's report that violence against women, including domestic violence and rape, was common. Although comprehensive statistics are not available, one local NGO reported 423 cases of domestic violence during the year. A local human rights monitoring organization reported 141 cases of rape. Authorities normally declined to become involved in domestic disputes, and the victims frequently were reluctant to issue formal complaints.

The law prohibits rape and assault. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "causing injury" or "indecent assault," but women's groups report that such charges were rare.

Prostitution is prohibited constitutionally; however, there is no specific legislation against it, and prostitution and trafficking in women were serious problems (see Sections 6.c. and 6.f.). Although the Government devoted greater attention to the problem of trafficking during the year and initiated several prosecutions, it has not enforced effectively a 1996 law against the exploitation and sale of human beings. Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution continued to flourish. A survey by a local human rights NGO found that 40 percent of women and girls who work as prostitutes do so voluntarily, while 60 percent have been forced to work as prostitutes or have been deceived into prostitution. The NGO also estimated that there are up to 55,000 sex workers in the country. Sex tourism was a problem.

The Labor Law has provisions against sexual harassment in the workplace, and the International Labor Organization (ILO) reports that in the industrial sector it was rare. It was not known to be a problem in other sectors of the economy.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women have equal property rights with men, have the same status in bringing divorce proceedings, and have equal access to education and some jobs. However, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas.

According to NGO reports, women make up 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often are concentrated in low-paying jobs in these sectors and largely are excluded from management positions. There are a large number of women's NGO's that provide training for poor women and widows and address social problems such as spousal abuse, prostitution, and trafficking. A media center produces and broadcasts programming on women's issues. NGO's provide shelters for women in crisis.

Children.—The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal of the Government. The Government relies on international aid to fund most social welfare programs targeted at children, resulting in only modest funds for problems that affect children.

Children are affected adversely by an inadequate education system. Education is free but not compulsory through grade nine; many children leave school to help their families in subsistence agriculture, begin school at a late age, or do not attend school at all. Despite an extensive government school construction program, schools are overcrowded and lack sufficient equipment. Less than 5 percent of primary school teachers have completed high school, and teachers' salaries were not adequate to support a decent standard of living, leading to demands for unofficial payments directly from parents, which the poorest families cannot afford. The Government does not deny girls equal access to education; however, in practice families with limited resources often give priority to educating boys. In many areas, schools

are remote, and transportation is a major problem. This particularly affects girls because of fears for their safety in traveling between their homes and schools.

Children frequently suffer from malnutrition and the inadequacy of the health care system. Infant mortality was reported most recently at 95 per thousand, and 12.5 percent of children do not live to the age of 5 years. Child mortality from preventable diseases is high.

Child abuse was believed to be common, although there were no statistics available. Poverty and domestic violence often drive children to live on the streets; domestic NGO's estimate there are more than 10,000 street children in Phnom Penh alone, who are easy targets for sexual abuse and exploitation. Although sexual intercourse with a minor person under the age of 15 is illegal, child prostitution and trafficking in children were common (see Sections 6.c. and 6.f.). In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. To combat sex tourism, during the year the Government prosecuted at least six cases in which foreigners were charged with pornography violations or pedophilia.

The illegal purchase and sale of infants and children for adoption is a serious problem. There were several documented cases in which individuals or organizations purchased infants or children from their natural parents, created fraudulent paper trails to document the children as orphans, and then earned substantial profits from fees or donations from unwitting adoptive families, including foreign families. Some of these children may end up being exploited. In some of these cases, the perpetrators encouraged women to give up their children under false pretenses, for example, by promising to care for the children temporarily but then refusing to return them. During the year, police arrested at least seven individuals in two separate cases involving orphans for adoption. The accused were charged under the Trafficking Law (see Section 6.f.).

Child labor is a problem in the informal sector of the economy (see Section 6.d.).

Persons with Disabilities.—The Government does not require that buildings or government services be accessible to persons with disabilities. According to the Government, approximately 1 in 250 citizens is missing at least one limb. This statistic reflects the continuing effects of landmine detonations. Programs administered by various NGO's have brought about substantial improvements in the treatment and rehabilitation of persons who have lost limbs. However, persons who have lost limbs face considerable societal discrimination, particularly in obtaining skilled employment.

National/Racial/Ethnic Minorities.—Citizens of Chinese and Vietnamese ethnicity constitute the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, animosity toward ethnic Vietnamese who are seen as a threat to the nation and culture continues. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people," that is, Cambodians. Unlike in previous years, the political opposition did not exploit actively anti-Vietnamese sentiment. Student groups continued to make strong anti-Vietnamese statements during the year; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons within the country at least partially responsible. In several parts of the country, some political parties also unsuccessfully challenged the voter registration rights of ethnic Vietnamese who were citizens.

In March the courts convicted six ethnic Vietnamese fisherman (three in absentia) for their role in the 2000 killing of three government fisheries officials in Kandal province. Ethnic bias did not appear to be a factor in the crime or the verdict.

Also in March, a provincial judge ruled against ethnic hill tribe villagers in a land dispute. Ethnic bias did not appear to be a factor in the judgment, but political influence was seen as important in this affair (see Section 1.f.).

Section 6. Worker Rights

a. The Right of Association.—The Labor Law provides workers with the right to form professional organizations of their own choosing without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was inconsistent. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, and military personnel, or to household servants. Personnel in the air and maritime transportation industries are not subject fully to the law, but are free to form unions.

Most workers are subsistence rice farmers. Only a small fraction (estimated at less than 1 percent) of the labor force is unionized, and the trade union movement, still in its infancy, is very weak. Unions are concentrated in the garment and footwear industries, where approximately 25 to 30 percent of the 150,000 to 170,000 workers were union members. Although there was an expanding service sector, most urban workers were engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. The Labor Law requires unions and employer organizations to file a charter and list of officers with the MOLSAVY. The MOSALVY registered 245 factory unions and 9 national labor federations since the Labor Law went into effect, including 108 unions and 4 federations during the year. Labor unions continued to expand outside the garment sector as well, and in July the Ministry of Interior recognized the country's first public-sector union, the Cambodia Independent Teachers Association, which registered as an "association." Regulations issued in 2000 to simplify union registration procedures were effective. Unlike in previous years, there were no complaints that the Government failed to register unions or labor federations, although some unions and federations complained of unnecessary delays and costs. Although all unions collect dues from members, none has been able to operate without outside sources of support. None of the unions has the capacity to negotiate with management as equals.

One labor federation maintains an affiliation with the opposition Sam Rainsy Party. Three other registered labor federations have historical ties to the Government or CPP-affiliated individuals within the Government. Two major labor federations and several unaffiliated factory unions are independent. There was credible evidence of employer involvement in some labor unions, in violation of the Labor Law.

The Government's enforcement of provisions that protect the right of association was poor. The Government's enforcement efforts were hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffers from a lack of resources, including trained, experienced labor inspectors, in part because it does not pay staff adequate salaries. In addition unions suffer from a lack of resources, training, and experience. There were credible complaints about antiunion harassment by employers, including the dismissal of union leaders, in more than 20 garment factories and other enterprises during the year. In a case beginning in 2000, a factory continued to defy a MOSALVY order to reinstate dismissed union leaders. The Government has never prosecuted or punished an employer for antiunion activity. The MOSALVY often finds in favor of employees, but rarely uses its legal authority to penalize employers who defy its orders. The MOSALVY often advises employees in such situations to sue in court, which labor unions claim is unnecessary, costly, and ineffective. On several occasions, dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce labor law provisions requiring their reinstatement.

In 1999 the Government signed a textile agreement with a foreign country, which linked garment market access to compliance with internationally recognized core labor standards. In January the ILO began a program to monitor working conditions in the garment industry. However, senior officials, including the Deputy Prime Minister and the Minister of Commerce, made public statements throughout the year dismissing the labor movement as being made up of political agitators intent on sabotaging the economy.

The Labor Law provides for the right to strike and protects strikers from reprisal. There were 97 strikes during the year, the vast majority of which took place without the 7-day prior notice required by law. The Government allowed all strikes and demonstrations, including some in which demonstrators caused property damage. In June the authorities arrested several union members for alleged involvement in violent labor demonstrations at a garment factory, and fined them and released them several days later (see Section 2.b.). However, in general police intervention was minimal and restrained, even in cases in which striking workers caused property damage. In spite of the provisions in the law protecting strikers from reprisals, there were credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers have been pressured by employers to accept compensation and leave their employment.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was inconsistent. Wages are set by market forces, except in the case of civil servants, for whom wages are set by the Government.

Since passage of the Labor Law in 1997, there has been confusion over the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the Law provides shop stewards the right to represent the union to the company management and to sign collective bargaining agreements. Legal ambiguities also exist in the process by which unions nominate shop stewards. In practice most factories elected shop stewards before a union was present in the enterprise; thus, many unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards. In addition the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY, but grants no such protection to elected union leaders. In November 2000, MOSALVY issued a regulation that gave trade unions roles comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise. However, these protections for union leaders did not prove effective (see Section 6.a.).

Very little collective bargaining takes place. There are only two collective bargaining agreements registered with the Government, and these do not meet international standards. In addition to difficulties in defining the bargaining unit, collective bargaining is inhibited by the weak capacity and inexperience of unions. In November the Government issued a regulation establishing procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The new regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Trafficking in women and children for the purpose of prostitution was a serious problem (see Sections 5 and 6.f.). There have been reports of children who were kidnaped and forced to work in the illegal sex trade (see Sections 6.d. and 6.f.). Officials of the Government took action to rescue underage or trafficked women from prostitution, but do not do so consistently (see section 6.f.). There also were reports of isolated cases of forced labor by domestic servants.

One study estimates that there are 88,000 bonded Cambodian workers in Thailand at any given time (see Section 6.f.).

The Law on the Suppression of Kidnaping, Trafficking and Exploitation of Humans (The Trafficking Law) establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law establishes 15 years as the minimum age for employment, and 18 as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in “light work” that is not hazardous to their health and that does not affect school attendance. A tripartite Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the MOSALVY to determine which types of employment and working conditions constitute “light work.” MOSALVY has identified six industries as priorities for clarification of what constitutes hazardous work and light work, but has not yet placed the subject on the agenda of the Labor Advisory Committee.

Children under the age of 15 account for more than half the population. Approximately 16.5 percent of children between the ages of 5 and 17 work. More than half of these are over the age of 14, and 89 percent are engaged in small-scale agriculture. Only 4 percent of working children are engaged in larger scale enterprises, including brick factories and rubber plantations.

Child labor was not prevalent in the garment industry, although there was at least one instance of a young worker misrepresenting her age to gain employment in a garment factory. Lack of credible civil documents made it difficult to guard against this practice. Most garment factories have policies that set the age of employment above the legal minimum of 15 years. The most serious child labor problems were in the informal sector.

The MOSALVY is hampered by inadequate resources, staff, and training. Law enforcement agencies have authority to combat child prostitution, but do not do so in a sustained, consistent manner. Some observers note that existing regulations do not address the problem of child labor in the informal sector adequately. With as-

sistance from the ILO, MOSALVY established a child labor unit to investigate and combat child labor. In 1997 the Government, in conjunction with the ILO and NGO's, also approved a national action plan on child labor. The Government has not ratified ILO Convention 182 on the elimination of the worst forms of child labor, and has not established a definition for worst forms of child labor.

The Government prohibits forced or bonded child labor. However forced child labor, including by trafficked children (see Section 6.f.), is a serious problem in the commercial sex industry. In 1999 the ILO's International Program for the Elimination of Child Labor (IPEC) reported that more than 15 percent of prostitutes were between 9 and 15 years of age (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Law requires the MOSALVY to establish minimum wages based on recommendations from the Labor Advisory Committee. By law the minimum wage can vary regionally. In July 2000, the Labor Advisory Committee approved a minimum wage denominated in U.S. currency of \$45 per month, but this covered only the garment and footwear industries. Most garment and footwear factories respected the minimum wage. There was no minimum wage for any other industry.

According to a survey taken during the year by a local economics research center, garment workers, who were paid in U.S. currency, earned an average of \$61 per month, factoring in overtime. However, prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday. The Government does not enforce these standards effectively. Despite reminders from the Government concerning hours of work, workers in many garment factories complained that overtime is excessive or involuntary, or that they are required to work 7 days per week. Some factories do not pay the legally mandated premiums for overtime and night or holiday work properly. Another common complaint is that management violates the law by paying the overtime rate only for the salary component of workers' pay, leaving piece rates unchanged regardless of the number of hours worked. Outside the garment industry, regulations on working hours rarely are enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well being. The Government enforces existing standards inconsistently, in part because it lacks trained staff and equipment. Work-related injury and health problems were common. Most large garment factories producing for markets in developed countries meet relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in most small-scale factories and cottage industries are poor and often do not meet international standards. The Government has issued several instructions on workplace standards, and more detailed regulations await approval by the Labor Advisory Committee before they may be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a serious problem. Enforcement of the Trafficking Law also was a problem. The country was a source, destination, and transit country for trafficking in persons.

The majority of trafficking takes place within the country, providing both adults and children for exploitation in the country's sex industry. The sex industry is estimated to employ from 80,000 to 100,000 sex workers, a sizable proportion of whom are victims of trafficking. The International Organization for Migration estimates that at least 3,000 women and girls from southern Vietnam were trafficked to the country to work as prostitutes, with more than 15 percent being younger than 15 years of age. The ILO's IPEC Program reported in 1999 that more than 15 percent of female prostitutes in the country were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were Cambodians. Women have been trafficked from European countries such as Moldova and Romania, as well, for purposes of prostitution. A UNICEF study reported that one-third of the country's prostitutes were under age 18. Some Vietnamese women and girls are trafficked through the country for exploitation in the commercial sex trade in other Asian countries. One study estimated that 88,000 Cambodians work in Thailand as bonded laborers at any given time; many are exploited in the sex industry or, particularly among young boys, are employed as beggars. One NGO estimated that

30,000 women and girls were trafficked to neighboring countries, especially Thailand. Women and children, especially those in rural areas, are the most likely to become victims of trafficking.

Surveys conducted by domestic NGO's in 1995 indicated that from 40 to 50 percent of young women who were trafficked were victimized by a relative or friend of the family, and were offered money or promises of a better life. Poverty and ignorance in villages was a major factor in contributing to the trafficking problem. Young children, the majority of them girls, often are "pledged" as collateral for loans by desperately poor parents to brokers or middlemen; the child then is held responsible for repaying the loan and accumulated interest. In other cases, parents are tricked into believing the child will be given legitimate work in the city. There is also a problem with the illegal purchase and sale of infants and children. Sometimes this is for purpose of adoption, including by foreign couples, but some of these children may end up abused and exploited (see Section 5).

Given the lucrative nature of human trafficking and the widespread nature of the problem in the country, it is believed that organized crime groups, employment agencies, and marriage brokers all have some degree of involvement. In one area on the Thai border, a recent report estimated that as many as 100 traffickers were carrying out operations.

In December the Government began a general crackdown on prostitution, which has made prostitutes even more vulnerable to intimidation, violence, theft, rape, and disease.

Corruption is endemic in the country, and it is believed widely that law enforcement and other government officials receive bribes that facilitate the sex trade and human trafficking. There were allegations that high-ranking law enforcement and government officials are involved actively in some forms of trafficking in persons.

The Trafficking Law establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15; however, the Government does not enforce the law effectively due in part to budget limitations and a lack of implementing regulations.

Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking during the year, enforcement of antitrafficking laws and prosecution of perpetrators was inconsistent. The Government conducted several raids throughout the year, rescuing numerous commercial sex workers, including underage workers, and providing them with protection while working with NGO's to either reunite the victims with their families or place them in a shelter operated by an NGO or other private charity. The Government arrested several brothel owners; some were convicted, while others were released without charges. The Ministry of Interior's antitrafficking unit reports that it investigated 116 cases between January and July, arrested 112 criminals, and obtained 85 convictions. The unit conducted at least two raids against trafficking rings with overseas connections; in June police arrested six Vietnamese nationals in connection with trafficking commercial sex workers to Malaysia, and in October police arrested two Chinese and one Vietnamese national allegedly involved in trafficking Vietnamese nationals to serve as prostitutes in Macau. Working with the International Organization for Migration, the Government rescued 73 Cambodian forced laborers on Thai fishing vessels who were arrested by the Indonesian navy in July.

The Government has several programs underway in conjunction with the International Organization for Migration to combat trafficking, including one program to provide training and capacity building for Government officials with antitrafficking responsibilities. In September the Ministry of Women's and Veterans' Affairs launched a public education campaign against trafficking, focusing on border provinces.

In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. There were no new developments in the implementation of this plan by year's end.

CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, Party members hold almost all top Government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to

express opposition to the Party-led political system and the right to change their national leaders or form of government. Socialism continues to provide the theoretical underpinning of national politics, but Marxist ideology has given way to economic pragmatism and economic decentralization has increased the authority of local officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel, media, and the security apparatus, and the continued improvement in the living standards of most of the country's citizens. The Constitution provides for an independent judiciary; however, in practice, the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and the Party and the Government direct verdicts in many high-profile political cases.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

The country's transition from a centrally planned to a market-based economy continues. Though state-owned industry remains dominant in key sectors, the Government has privatized many small and medium state-owned enterprises (SOEs) and allowed private entrepreneurs increasing scope for economic activity. A 1999 constitutional amendment officially recognized the role of the private sector in the economy, and private firms now contribute 30 to 40 percent of yearly gross domestic product (GDP) growth. On July 1, in a move criticized by hard-line Communists, CCP Secretary General Jiang Zemin indicated that the Chinese Communist Party should be open to individuals, including entrepreneurs, regardless of their wealth. The country has large industrial and agricultural sectors and is a leading producer of coal, steel, textiles, and grains. Major exports include electronic goods, toys, apparel, and plastics. The country completed all of the preconditions for accession to the World Trade Organization during the year. Trade and foreign investment are helping to modernize an already rapidly growing economy. The official GDP growth rate through the first half of the year was 7.3 percent; the population is approximately 1.3 billion.

The economy faces many challenges, including reform of SOEs and the banking system, growing unemployment and underemployment, the need to construct an effective social safety net, and regional economic disparities. In recent years, between 80 and 130 million persons voluntarily have left rural areas to search for better jobs and living conditions in the cities (the so-called "floating population"), where they do not enjoy the same economic and social benefits as urban residents. In the industrial sector, downsizing in SOEs continued, bringing the number of jobless urban workers to an estimated 15 million in an urban workforce of roughly 200 million. Industrial workers throughout the country continued to organize sporadically to protest layoffs and to demand payment of overdue wages and benefits. Income gaps between coastal and interior regions, and between urban and rural areas, continued to widen. Urban per capita income in 2000 was \$759 (6280 RMB) and grew by 6.4 percent over the previous year. Rural per capita income was \$278 (2300 RMB), an official growth rate of 4 percent. However, rising urban living standards, greater independence for entrepreneurs, and the expansion of the nonstate sector have increased workers' employment options and have significantly reduced state control over citizens' daily lives. The total number of citizens living in absolute poverty continues to decline. According to official statistics, 30 million persons live in poverty; the World Bank, using different criteria, estimates the number at 100–150 million persons.

The Government's human rights record throughout the year remained poor and the Government continued to commit numerous and serious abuses. Authorities still were quick to suppress any person or group, whether religious, political, or social, that they perceived to be a threat to government power, or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression. Overall, government respect for religious freedom remained poor and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued. Several leaders of the unregistered South China Church were arrested in July and subsequently sentenced to death; some of those sentences were suspended and some were appealed. Also in July, authorities arrested Hong Kong businessman Li Guangqiang and charged him with smuggling for bringing Bibles into the country. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Conditions at most prisons remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process

because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms or protecting individual rights. The Government infringed on citizens' privacy rights. The Government continued to implement its sometimes coercive policy to restrict the number of children a family may have. The Government maintained tight restrictions on freedom of speech and of the press and continued its efforts to control and monitor the Internet; self-censorship by journalists continued. The Government severely restricted freedom of assembly and continued to restrict freedom of association. The Government continued to restrict freedom of religion and intensified controls on some unregistered churches. The Government continued to restrict freedom of movement. Citizens do not have the right peacefully to change their Government. The Government does not permit independent domestic nongovernmental organizations (NGO's) to monitor publicly human rights conditions. Violence against women (including imposition of a sometimes coercive birth control policy, including instances of forced abortion and forced sterilization); prostitution; discrimination against women; abuse of children; and discrimination against persons with disabilities and minorities are all problems. Particularly serious human rights abuses persisted in Tibet and in Xinjiang, where security tightened. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remained a serious problem. Child labor exists and continues in rural areas as adult workers leave for better employment opportunities in urban areas. Trafficking in persons is a serious problem.

Arbitrary arrest and detention also remained serious problems. Because the Government tightly controls information, it is not possible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. According to international press reports, over 200,000 persons are serving sentences, not subject to judicial review, in reeducation-through-labor camps. Many thousands more remain incarcerated in prisons. The Government denied that it holds any political or religious prisoners, and asserted that authorities detained persons not for their political or religious views, but because they violated the law. However, the authorities continued to detain citizens for political and religious reasons. During the year, the Government used laws on subversion and endangering state security to threaten, arrest and imprison a wide range of political, religious, and labor activists and dissidents, including former Government officials, NGO organizers, activists for artistic freedom, and independent advocates for legal reform that directly and publicly opposed the Government and the CCP. After 2 years of intense repression marked by propaganda campaigns, beatings, and imprisonment, thousands of organizers and adherents of the banned Falun Gong (FLG) movement were in reeducation-through-labor camps or in prison, most without benefit of formal judicial process. Various sources reported that over 200 Falun Gong practitioners died in detention as a result of torture or mistreatment.

In 2000 officials stated that there were approximately 1,300 individuals in prisons serving sentences under the Law Against Counterrevolutionary Activity, a crime that no longer exists; many of these persons were imprisoned for the non-violent expression of their political views. According to Amnesty International (AI) 211 persons remain in prison for their activities during the June 1989 Tiananmen Square demonstrations. Since December 1998, at least 30 leaders of the China Democracy Party (CDP) have been given long prison sentences on subversion charges.

The authorities released a few political prisoners before their terms were over, notably Zhang Jie, Han Lifa, Guo Haifeng, Cao Maobing, and Ma Zhe. Others, such as CDP activist Zhou Yongjun, who was released in March, were released after completing their sentences. At year's end several thousand political prisoners—including Bishop An Shuxin, Cai Guihua, Han Chunsheng, Li Bifeng, Liu Jingsheng, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Xu Guoxing, Fang Jue, Xu Wenli, Zhang Lin, Zhang Shanguang, Zhao Changqing, Abbot Chadrel Rinpoche, Jigme Sangpo, and Ngawang Sangdrol (see Tibet addendum)—remained imprisoned or under other forms of detention for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. Authorities also harassed and monitored the activities of dissident's relatives.

In April the Government began a national "strike-hard" campaign against crime. However, the campaign also has targeted some dissidents, separatists, and underground church members. The campaign has been vigorously carried out in Xinjiang, where those deemed to be "splittists" by the Government are targeted. The "strike-hard" campaign has been characterized by roundups of suspects and mass sentencing rallies. By the third quarter of the year, domestic press stories indicated that over 2,000 persons had been executed as part of the campaign. The Government regarded the number of death sentences it carried out as a state secret.

Unapproved religious groups, including Protestant and Catholic groups and members of nontraditional religious groups, continued to experience varying degrees of official interference, harassment, and repression. The Government continued to enforce regulations requiring all places of religious activity to register with the Government or 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, and, at times, fined, detained, beaten, and tortured. At year's end, some religious adherents remained in prison because of their religious activities. In some regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. Relations varied greatly, with parishioners worshipping together in some districts and deep rifts in the Catholic community in other areas. In other regions, registered and unregistered churches were treated similarly by the authorities and reported little or no day-to-day interference in their activities. The human rights situation in Tibet remained poor, as the Government continued its campaign to reeducate monks and nuns with sympathies to the Dalai Lama. However, the enforcement of tight restrictions imposed on Tibetan Buddhists in the Tibet Autonomous Region in 2000 eased during the year. Local authorities forcibly relocated thousands of Tibetan Buddhist nuns and monks from the Serthar Tibetan Buddhist Institute in western Sichuan Province.

The Government strictly regulates the establishment and management of publications, controls the broadcast media, censors foreign television broadcasts, and at times jams radio signals from abroad. During the year, several publications were shut down or disciplined for publishing material deemed objectionable by the Government, and journalists, authors, and researchers were harassed, detained, and arrested by the authorities; several were fired. Nonetheless, journalists exposed a number of coverups and instances of official corruption during the year. The Government loosened up controls over cable TV, allowing subscribers in a number of cities to have uncensored access to foreign news programming. Despite the continued expansion of the Internet in the country, the Government maintained its efforts to monitor and control content on the Internet. Several new regulations regarding the Internet were issued, and many Web sites, including politically sensitive Web sites and foreign news Web sites, were shut down or blocked by the authorities.

The judiciary is not independent. During the year, the Government took steps to correct systemic weaknesses in judicial procedures and to make the system more accountable to public scrutiny; however, new regulations and policies passed in the past few years have not brought the country's criminal procedures into compliance with international standards, and the law routinely is violated in the cases of political dissidents and religious leaders and adherents. Nonetheless, the percentage of persons acquitted in criminal trials continued to grow and the Government took measures to make legal representation more affordable for the poor. The Government also remained open to U.N. organizations, Western governmental organizations, and nongovernmental organizations that assist in reforming its judiciary. Some lawyers, law professors, and jurists continued publicly to press for a transparent system of discovery, abolition of coerced confessions, a presumption of innocence, an independent judiciary, the right to remain silent, and improved administrative laws giving citizens recourse against unlawful acts by the Government.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—The official press reported a number of extrajudicial killings, but no nationwide statistics were available. During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. According to a number of credible sources, scores of FLG adherents died while in police custody (see Section 2.c.). FLG adherent Zhang Shengfan was dragged from his home by local authorities in Shuangcheng City, Heilongjiang province in June. Three days later, he was declared dead at a local hospital. His family was not allowed to view the body, order an autopsy, or bury his remains. Local officials disposed of the body in an undisclosed location. Reliable reports from Western journalists allege that local officials in Shandong's Weifang City were responsible for beating to death FLG adherents at the rate of about one per month.

There continued to be numerous executions carried out after summary trials. Such trials often took place under circumstances where the lack of due process or a meaningful appeal bordered on extrajudicial killing. As part of the nationwide "strike hard" campaign, more than 2,000 executions were carried out after summary

trials. The Government regarded the number of death sentences it carried out as a state secret. According to domestic press reports, on April 11 in Harbin, Heilongjiang province, 23 suspects were sentenced to death in front of 5,000 spectators. Seven of the condemned were immediately taken to an execution ground where they were shot.

b. Disappearance.—There were no new reports of disappearances. However, the Government has not provided a comprehensive, credible accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police and other elements of the security apparatus employ torture and degrading treatment in dealing with some detainees and prisoners. Human rights monitors reported a number of unconfirmed but credible cases of torture. The Prison Law prohibits prison guards extorting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. Senior officials acknowledge that torture and coerced confessions are chronic problems, but have not taken sufficient measures to end these practices. Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse. According to credible reports, Huang Qi was bound hand and foot and beaten by police in Chengdu while they tried to force him to confess to subversion. He lost several teeth and remains in poor health. Huang was the operator of an Internet site that posted information about missing persons, including students who disappeared in June 1989 in Tiananmen Square. There were numerous credible reports of abuse of FLG practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture. Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system or lack of implementation of the revised Criminal Procedure Law. Reports of torture increase during periodic "strike hard" campaigns in which police are encouraged to achieve quick results against crime, and such reports increased during the current "strike-hard" campaign, which began in April.

During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. According to press reports a 38-year-old handicapped factory worker from Shuangcheng, in the northeastern province of Heilongjiang, was dragged from his home and died in custody after being beaten by police. His family allegedly was not allowed to view the body or have an autopsy performed. The location of his remains is unknown (see Section 1.a.).

In June the influential magazine *Outlook Weekly* reported that police and investigators still routinely used torture to extract confessions. To curb the practice, the magazine called for the right to remain silent; the right for suspects to give direct testimony in their own trials; and the right for a defense attorney to be present during police questioning. In September 2000, the National People's Congress (NPC) carried out an independent study of the use of torture in Tianjin, Inner Mongolia, Heilongjiang, Zhejiang, Hebei, and Shaanxi between 1997 and 1999. The group discovered 221 cases of confessions coerced by torture, which had resulted in the deaths of 21 criminal suspects. Commenting on the study group's findings in December 2000, Hou Zongbin, chairman of the NPC's Judicial Affairs Committee, stated that while the 1997 Criminal Procedure Law had brought reforms to the criminal justice system, torture remained a systemic problem. During the year, officials in Liaoning Province began a pilot program instituting the right to remain silent in criminal trials as a way to combat torture.

There were many reports of persons, especially FLG adherents, sentenced to mental hospitals for expressing either their political or religious beliefs.

There were reports during the year that police sometimes used excessive force to break up demonstrations. Police also beat persons being arrested and persons in detention. Eyewitnesses have reported frequent abuse of FLG protesters as they were being detained.

Conditions in penal institutions for both political prisoners and common criminals generally are harsh and frequently degrading. Forced labor is common. Conditions in administrative detention facilities (including reeducation-through-labor camps and custody and repatriation centers) are similar to those in prisons. Prisoners and detainees often are kept in overcrowded conditions with poor sanitation, and their food often is inadequate and of poor quality. Many detainees reportedly rely on supplemental food and medicines provided by relatives; however, some prominent dissidents reportedly are not allowed to receive supplemental food or medicine from relatives. According to released political prisoners, it is standard practice for political prisoners to be segregated from each other and placed with common criminals.

There are credible reports that common criminals have beaten political prisoners at the instigation of guards. Guards in custody and repatriation centers reportedly rely on “cell bosses” to maintain order; these individuals frequently beat other detainees and sometimes steal their possessions. The treatment of some prominent political prisoners, whose cases regularly are raised with authorities, sometimes improves. The 1994 Prison Law was designed, in part, to improve treatment of detainees and increase respect for their legal rights. The Government’s stated goal is to convert one-half of the nation’s prisons and reeducation-through-labor camps into “modernized, civilized” facilities by the year 2010. According to credible sources, persons held in these “model” prisons receive better treatment than those held in other prison facilities.

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Credible reports indicate that as part of the “strike hard” campaign, jails have tightened access to medical parole. For example, reports indicate that 57 inmates died at Liaoning’s Province’s Tieling prison during the year compared to ten deaths in 2000. Seventy inmates had been released from Tieling on medical grounds in 2000, but only two were released during the year. Nutritional and health conditions can be grim. At year’s end, political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included: Xu Wenli, Gao Hongmin, Qin Yongmin, Wang Youcai, Chen Lantao, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Rebiya Kadeer, Jigme Sangpo, Ngawang Sangdrol, Wang Guoqi, and Zhang Shanguang. Ngawang Choephel was incarcerated in a facility near Chengdu in Sichuan Province throughout the year. According to government officials, he suffered from a variety of ailments, including digestive, urinary, kidney, and liver problems. Zhang Shanguang, who is serving a 10-year sentence for disclosing news of labor demonstrations to Radio Free Asia, is suffering from serious tuberculosis. Fang Jue suffers from leg and back problems; Xu Wenli has suffered from hepatitis. Hua Di, a Stanford researcher, was sentenced to 10 years in prison on charges of revealing secrets of the country’s missile program. He is suffering from cancer and was denied release on medical parole in April. Prison officials in Xinjiang have not allowed family members of businesswoman and prominent Uighur activist Rebiya Kadeer to bring her medicine for heart disease since her arrest in August 1999. She is said to be in poor health, suffering from painful feet, blurred vision, and impaired hearing. There also are allegations that she has been abused physically. Officials reportedly have denied repeated requests for her to be hospitalized.

Forced labor in prisons and reeducation-through-labor camps is common. At one camp in the western part of the country, inmates are forced to work up to 16 hours per day breaking rocks or making bricks, according to credible reports. There were several deaths from overwork, poor medical care, and beatings by guards in 2000.

The Government does not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. However, foreign delegations have been allowed to visit “model” prisons. The Government continued its unofficial dialog on human rights and prisoner issues with a foreign-based human rights group. During the year, officials accepted lists from this group of several hundred names of political detainees, and provided detailed information on more than 50 cases, including several who were released prior to the completion of their sentences. The group’s executive director visited the Tianjin Prison, a model facility, and Beijing Number Two Prison, a maximum security prison that holds most persons convicted of political offenses in Beijing. Talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons remained stalled.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain serious problems. The law permits the authorities in some circumstances to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controls information, it is impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. Official government statistics report that in 1997 there were 230,000 persons in reeducation-through-labor camps. According to a March article by the official news agency, there are 300 reeducation-through-labor camps that have held over 3.5 million prisoners since 1957. It has been estimated that as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation before 1996; the number of persons subject to this form of detention reportedly has grown since that time. According to reliable reports, the Government confined some FLG adherents, and some po-

litical, religious, and labor activists and dissidents to psychiatric hospitals; and has forced some to take drugs or submit to electric shock treatments. Another labor dissident, Wang Miaogen from Shanghai, who disappeared in 1999, is believed to be held in a psychiatric hospital. Although the crime of being a "counterrevolutionary" was removed from the criminal code in 1997, Western NGO's estimate as many as 1,300 persons remain in prison for the crime, and another 600 are serving sentences under the State Security Law, which covers the same crimes as the repealed section on "counterrevolution."

Amendments to the Criminal Procedure Law abolished an often-criticized form of pretrial detention known as "shelter and investigation" that allowed police to detain suspects for extended periods without charge. Nonetheless, in some cases, police still unilaterally can detain a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail pending trial. Under the Criminal Procedure Law, detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody. In practice, officials usually do not agree. The Criminal Procedure Law also stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice, timely notification remains a serious problem, especially in sensitive political cases. Under a sweeping exception, officials need not provide notification if it would "hinder the investigation" of a case. Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret.

A major flaw of the Criminal Procedure Law is that it does not address the reeducation-through-labor system. Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal; appeals usually are not successful, however, because of problems such as short appeal times and inadequate legal counsel, which weaken the effectiveness of the law in preventing or reversing arbitrary decisions. There have been cases of individuals successfully appealing their reeducation sentences through the courts, though the exact number of such cases is unknown.

The Criminal Procedure Law also does not address custody and repatriation, which allows the authorities to detain persons administratively without trial to "protect urban social order." Persons who may be detained under this provision include the homeless, the unemployed, petty criminals, and those without permission to live or work in urban areas; such persons may be returned to the locality in which they are registered. If the location to which they are to be repatriated cannot be determined, or if they cannot be repatriated for financial reasons, such persons may be sent to "resettlement farms." Those unable to work may be sent to "welfare centers." Until they are repatriated, those detained may be held in custody and repatriation centers, and may be required to pay for the cost of their detention and repatriation by working while in detention. Relatives and friends of detainees in these centers reportedly often are able to secure a detainee's release through the payment of a fee. Provincial regulations on custody and repatriation in some cases have expanded the categories of persons who may be detained. In Beijing, for example, those who may be detained specifically include the mentally ill and mentally disabled, and "those who should be taken into custody according to Government regulations." Many other persons are detained in similar forms of administrative detention, known as custody and education (for prostitutes and their clients) and custody and training (for minors who have committed crimes). Persons reportedly may be detained for long periods under these provisions, particularly if they cannot afford to pay for their release.

According to researchers, the country has 20 "ankang" institutions, directly administered by the Ministry of Public Security, in which dissidents and activists are housed with mentally ill patients. The regulations for committing a person into an ankang facility are not clear. Credible reports indicate a number of political or trade union dissidents, "underground" religious believers, and FLG adherents are incarcerated in such facilities. Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing (see Section 1.c.). In late 2000, labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yanchong, Jiangsu province, where he reportedly also was forced to take medication against his will (see Section 6.a.). However, Cao was released in July. According to reliable reports, the Government confined hundreds of FLG adherents to psychiatric hospitals.

The campaign against the China Democracy Party, a would-be opposition party that began in 1998, continued during the year. Scores of CDP leaders, activists, and

members have been arrested, detained, or confined as a result of this campaign. Since December 1998, at least 30 core leaders of the CDP have been given severe punishments on subversion charges. In what some experts have described as an attempt by authorities to tarnish the public image of the democracy movement, officials have accused a number of democracy activists of soliciting prostitutes, distributing pornographic videos, petty theft, or other crimes unrelated to their political activities. In March the vice-chairman of the CDP's Hubei province branch, Lu Xiaolan, was detained as he tried to organize a CDP meeting in Wuhan. In late December 2000, Shanghai-based Cai Guihua and Fu Shenping chose to go into exile after being harassed by the police. The two each had served more than 1 year in prison for supporting the CDP in Shanghai. In December 2000, CDP activists Wang Zechen and Wang Wenjiang reportedly were sentenced in Anshan to 6 years and 4 years in prison, respectively, on charges of subverting state power. The two were arrested in June 1999.

The authorities also used laws on subversion, endangering state security, and common crimes to arrest and imprison a wide range of political dissidents, activists, and others. After being released from prison in June, 2000, Li Wangyang was re-arrested on subversion charges in May, and sentenced to 10 years in prison in September for "incitement to subvert state power" after demanding the authorities pay for back, heart, and lung ailments he contracted while in prison. Li had served 11 years in prison for his role in presiding over the Shaoyang Workers Autonomous Federation, a Tiananmen-era free trade union. Six other persons were detained in the incident, including Li's sister, who was sentenced to 3 years in a labor camp for helping Li publicize his demands. In September 2000, a court in Hebei sentenced the cofounder of the environmental NGO China Development Union, Qi Yanchen, to 4 years in prison for subversion for writing that the Government would have to introduce political reform in order to avoid widespread unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Preference (see Sections 1.f. and 2.a.).

Police sometimes detained relatives of dissidents (see Section 1.f.).

Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned.

In January, Supreme People's Court President Xiao Yang stated that political dissent and outlawed religions would be among the top targets of a stepped-up crackdown by authorities during the year. In April the Government began a national "strike-hard" campaign against "violent and organized" crime. However according to press reports, the campaign also has targeted some dissidents, separatists, and underground church members. Local police reportedly were ordered to increase the number of arrests and judges were instructed to accelerate legal processing and sentencing. The campaign has been characterized by large-scale sentencing rallies and parades of condemned prisoners through the streets of major cities, followed by public executions. For example, in April local newspapers in Sichuan province reported that over 3000 criminals were sentenced publicly in 123 rallies held across the province. Of those more than 900 were "severely punished," a category that includes the death sentence and lengthy prison terms (see Section 1.d.). By the third quarter of the year, press stories indicated that over 2,000 persons had been executed as part of the campaign. The Government regarded the number of death sentences it carried out as a state secret.

Minority activists continued to be targets of the police. As part of the nationwide "strike hard" campaign, "splittists" or separatists, have been singled out. Xinjiang official Abulahat Abkurixit told the Xinjiang Legal newspaper in April that authorities in Xinjiang would use the "strike hard" campaign to strike at Muslim separatists and illegal religious activities. As part of the campaign, local courts in Xinjiang have meted out death sentences or long prison terms to a number of persons accused of separatist activity. In early 2000 a court sentenced Uighur businesswoman Rebiya Kadeer to 8 years in prison for passing "state intelligence" information to foreigners. The "state intelligence" she was accused of attempting to pass consisted of newspaper articles published in the official press and a list of individuals whose cases had been handled by judicial organs. Police arrested Kadeer, her son, and her secretary while they were on their way to meet a visiting foreign delegation in August 1999.

Journalists also were detained or threatened during the year, often for reporting on subjects that met with the Government's or the local authorities' disapproval (see Section 2.a.). In July 2000 Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to report on peasant protests against a land redevelopment scheme; local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government.

Local authorities used the Government's anticult campaign to detain and arrest large numbers of religious practitioners. For example, in December 2000, four members of the Zhong Gong qigong group were charged by Nanjing authorities with "inciting subversion of the state's political power" and sentenced to between 2 and 4½ years in prison.

The State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although many citizens remain unaware of this law, there is evidence that it is having a growing, if still limited, impact. Throughout the year, the official press published numerous articles to raise public awareness of recent laws meant to enhance the protection of citizens' rights, including the Criminal Procedure Law, the State Compensation Law, the Administrative Procedure Law, and others. Many citizens have used the State Compensation Law during the year to sue for damages.

There were no reports that the Government exiled citizens. The Government continued to refuse reentry to citizens who were dissidents and activists. The Government's refusal to permit some former reeducation-through-labor camp inmates to return to their homes constitutes a form of internal exile.

e. Denial of Fair Public Trial.—The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently; however, in practice, the judiciary receives policy guidance from both the Government and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences in sensitive cases. At both the central and local levels, the Government and the CCP frequently interfere in the judicial system and dictate court decisions. Corruption and conflicts of interest also affect judicial decisionmaking. Judges are appointed by the People's Congresses at the corresponding level of the judicial structure, which can result in local politicians exerting undue influence over the judges they appoint. State-run media have published numerous articles calling for an end to such "local protectionism" and for the development of a judiciary independent of interference by officials.

The Supreme People's Court (SPC) stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. There are special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency in the judicial system are endemic. In 2000 the SPC issued new regulations tightening conflict of interest guidelines for judges. Judges who violate prohibitions against accepting money or other gifts from litigants or who meet privately with litigants may be found guilty of malpractice under the new regulations. Under these regulations, 6,759 judges recused themselves from cases during 2000. Other regulations banned former judges from trying cases in their old courtrooms. Likewise, the Procuratorate announced 10 new rules designed to minimize corruption in and to foster cost-consciousness among the procuratorates. It also announced that it would select candidates for some 7,200 vacancies through a system of national examinations. In an attempt to reduce pretrial corruption, early in 2000 Beijing courts set up a new office to handle pretrial procedures previously handled by judges. Under the new system, parties have more difficulty influencing judges because they would no longer have advance notice of who the judge in a given case is to be. The SPC also implemented a self-examination and responsibility system to hold presidents of higher people's courts responsible for the actions of their subordinates. During the year, the SPC punished 1,292 judges for violating Party or administrative regulations, while 46 were prosecuted for violating the law. The Supreme People's Procuratorate punished 494 officers during the year, 54 of which were criminally responsible for malfeasance. Five provincial-level Procurators were summoned to Beijing to account for wrongdoing. The SPC found 17,931 government officials guilty of corruption or of accepting bribes during the year. During 2000, 1,450 court employees were punished for misconduct. The People's Supreme Court, Procuratorate, and the MOJ jointly released a notice on December 31, stipulating that only those who pass an exam and obtain a "Certificate of Legal Profession" may serve as a judge or a prosecutor, and may apply for a lawyer's license. The regulation is to enter into force on January 1, 2002.

The Government also took steps to correct systemic weaknesses in the judicial system and to make it more transparent and accountable to public scrutiny. The law requires that all trials be held in public; however, in practice, many trials are not. In 1999 the Supreme People's Court issued regulations requiring all trials to be open to the public, except for those involving state secrets, personal privacy, or minors; divorce cases in which both parties request a closed trial; and cases involving commercial secrets. Several courts reportedly opened their proceedings to the public. Under the new regulations, "foreigners with valid identification" are to be allowed the same access to trials as citizens. The legal exception for cases involving state

secrets, privacy, and minors has been used to keep politically sensitive proceedings closed to the public and closed even to family members in some cases. During the year, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secrets" cases, thus rendering them closed to the public.

Since 1998 many trials have been broadcast, and court proceedings have become a regular television feature. In 2000 courts in Shanghai became the first to publish verdicts on the Internet. According to official statistics, the courts nationwide heard 539,000 criminal cases in 1999, an increase of 12.27 percent over 1998, and sentenced more than 600,000 offenders, up 14.02 percent from 1999. However, although convictions were up 6.21 percent in 2000, acquittals were up over 12 percent in 2000 as compared to 1999. The SPC released statistics showing that judicial entities at all levels throughout the country acquitted 6,617 defendants in 2000 due either to lack of evidence or by concluding the charges filed did not constitute a crime (up from 5,878 persons in 1999).

Police and prosecutorial officials often ignore the due process provisions of the law and of the Constitution. For example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence. In March 2000, the top prosecutor, Procurator General Han Zhubin, admitted that abuses such as using torture to extort confessions, extorting favors from suspects, and nepotism remained serious problems. In 1999 Han's office received 812,821 complaints; 342,017 were related to prosecutors. In 2000, the last year for which statistics are available, authorities arrested 715,833 criminal suspects and prosecuted 708,836. Courts sentenced more than 640,000 persons. The Criminal Procedure Law forbids the use of torture to obtain confessions, but one weakness of the law is that it does not expressly bar the introduction of coerced confessions as evidence. Traditionally, defendants who failed to show the correct attitude by confessing their crimes received harsher sentences. The conviction rate in criminal cases approaches 90 percent, and trials generally are little more than sentencing hearings. In practice, criminal defendants only are assigned an attorney once a case has been brought to court; some observers have noted that at this point, it is too late for an attorney to assist a client in a meaningful way, since the verdict often has been decided already. The best that a defense attorney generally can do for a client is to get a sentence mitigated. In most politically sensitive trials, the courts handed down guilty verdicts immediately following proceedings that rarely lasted more than several hours. There is an appeals process, but appeals rarely reverse verdicts.

The lack of due process is particularly egregious in death penalty cases. There are 65 capital offenses. They include financial crimes such as counterfeiting currency, embezzlement, and corruption. Persons may be sentenced to death for other property crimes as well. A higher court nominally reviews all death sentences, but the time between arrest and execution is often days and sometimes less, and reviews consistently result in the confirmation of sentences. Minors and pregnant women are expressly exempt from the death sentence, and only those theft cases involving banks or museums warrant capital punishment. The "strike hard" campaign, begun in April, has been characterized by mass arrests, lack of due process and summary public executions. Since the campaign began, press stories indicate that over 2,000 persons have been executed as part of the campaign (see Section 1.d.).

The revised Criminal Procedure Law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often use loopholes in the law to circumvent a defendant's right to counsel, and political activists in particular still have significant problems obtaining competent legal representation of their own choosing. In some cases, defendants and lawyers in politically sensitive cases reportedly have not been allowed to speak during trials. Criminal defense lawyers frequently have little access to their clients or to evidence to be used during the trial. In December 2000, Hou Zongbin, chairman of the NPC's Judicial Affairs Committee, made special mention of the difficulties defense lawyers faced in meeting with their clients, accessing court files or having judges hear their petitions. The amended law also falls short of international standards in other respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means such as torture. Its appeals process fails to provide sufficient avenue for review, and there are inadequate remedies for violations of defendants' rights. The police still unilaterally can detain a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail pending trial. Also, in "state secrets" cases, the revised Criminal Procedure Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated.

The definition of state secrets is broad, vague, and subject to independent interpretation by police, prosecutors, and judges, throughout the different stages in a criminal case. Uncertainty regarding the scope and application of this statute has created concern about a detainee's right to legal assistance.

The revised Criminal Procedure Law also does not address certain shortcomings in the legal system. Under the law, there is no right to remain silent, no presumption of innocence, no right against double jeopardy, and no law of evidence. The mechanism that allows defendants to confront their accusers is inadequate; according to one expert, only 1 percent to 5 percent of trials involve witnesses.

Anecdotal evidence indicates that implementation of the Criminal Procedure Law remains uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments have contributed to contradictory and incomplete implementation. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the National People's Congress have issued supplementary implementing regulations to address some of these weaknesses. During the year, the Government continued its efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of this and other laws.

Defendants frequently have found it difficult to find an attorney willing to handle sensitive political cases. Government-employed lawyers still depend on official work units for employment, housing, and other benefits, and therefore many may be reluctant to represent politically sensitive defendants. In January 1999, dissident Wang Ce was tried and defended himself, reportedly because lawyers recommended by the court refused to take his case. In February 2000, he was sentenced to 4 years in prison. There were no new reports of the Government revoking the licenses of lawyers representing political defendants, as it sometimes has done in the past.

Lawyers who try to defend their clients aggressively continue to have problems with police and prosecutors, leading to complaints and threats of harassment by law enforcement officials. Lawyers' professional associations have called for better protection of lawyers and their legitimate role in the adversarial process.

Nevertheless, there are signs that members of the public are beginning to use the court system and the new legal remedies available to them to protect their rights and seek redress for a variety of Government abuses. A growing number of persons are using legal recourse against government malfeasance. The Beijing Higher People's Court released statistics in April 2000 stating that when citizens sued the Government, citizen plaintiffs won in 23 percent of cases (832 of 3,632) between 1990-1999. In addition, a large percentage of such cases are settled out of court. The term "administrative omission" refers to cases where Government organizations do not respond or delay response to applications lodged by citizens. According to statistics by the SPC, the number of administrative omission lawsuits filed by individuals against Government organizations rose 7.6 times between 1990 and 1998. Urban citizens also are serving as watchdogs against corruption. In 2000, the Beijing Discipline Inspection Commission received 19,333 letters alleging corruption. Due to those letters, officials filed corruption charges in 599 cases and punished 1,044 officials. However, while some plaintiffs successfully have filed suit against the Government, decisions of any kind in favor of dissidents remain rare. In particular, appeals of prison sentences by dissidents rarely are granted.

In 2000, 3,789 criminal convictions or sentences were overturned upon appeal. That same year, the Supreme People's Court announced provisions to enable the poor to afford litigation, and announced that officials postponed, reduced or waived court fees in over 237,000 cases involving the poor, elderly or persons with disabilities. To promote transparency, Shenzhen courts instituted a pilot program requiring judges to write out the reasoning behind their verdicts. An appeals judge could then review a verdict and levy fines against judges making decisions based on faulty legal reasoning.

In recent years, credible reports have alleged that organs from some executed prisoners were removed and sold. Officials have confirmed that executed prisoners are among the sources of organs for transplant but maintain that consent is required from prisoners or their relatives in advance of the procedure. There is no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. In June 2000, Wang Guoqi, a former employee of the Paramilitary Police General Division Hospital in Tianjin, testified before the U.S. Congress that he had harvested skin and corneas from more than 100 executed prisoners. Wang testified that he had become disturbed by the practice after taking part in the removal of skin from a still-living prisoner in 1995. The authorities stated that Wang fabricated the story in order to seek political asylum in the United States. The courts traditionally issue

several death sentences before the annual lunar New Year holiday and other holidays. According to Hong Kong press reports, these executions have increased the demand for organs from executed prisoners. In 2000 more than 40 wealthy individuals in need of transplants reportedly traveled to a hospital in Guangzhou and paid up to \$300,000 (2.5 million RMB) each for livers harvested from executed criminals. There are no reliable statistics on how many organ transplants occur each year using organs from executed prisoners, but, according to press reports, hundreds of persons from foreign countries, particularly Asian countries, who are unable to obtain transplants at home travel to the country each year for organ transplants. Recipients report paying various amounts for the transplants, and some have reported that treatment may be terminated or delayed for a lack of funds or a delay in payment.

In recent years, the Ministry of Justice drafted regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The regulations also granted lawyers formal permission to establish law firms, set educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the disciplining of lawyers. Government officials state that there are insufficient lawyers to meet the country's growing needs. Lawyers are organizing private law firms that are self-regulating and do not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations (many of which handle both criminal and civil cases, including those stemming from disputes over compensation to workers) have been established around the country, and the Ministry of Justice has established a nationwide legal services hot line. Beijing and other city police departments have set up hotlines for citizens to complain about police misconduct. In March, Beijing authorities claimed that their hot line received nearly 120 calls per day.

Neither prosecutors nor judges are required to have law degrees or legal experience, and qualification standards traditionally have been low. Many are not well versed in the law.

While defending his annual report to the NPC in March, People's Supreme Court President Xiao Yang came under fire from delegates for the slow pace of judicial reform. One delegate pointed out that only approximately 9 percent of judicial professionals had a college education. Another delegate complained that lack of respect for human rights in the legal system was a growing problem. Notably, the NPC only gave a 74.4 percent approval rating to the Supreme Court's annual report and a 71.2 percent rating to the Procuratorate.

The SPC's and Supreme People's Procuratorate's reports to the NPC in March acknowledged that the political and professional quality of judicial staff was not high. SPC President Xiao Yang admitted that higher courts were not doing enough to fight corruption or to fire incompetent judges. Xiao stressed that the courts must not only fight corruption in society at large, but also corruption within the courts. In his report, Xiao promised to work to make trial court procedures simpler and more efficient. During the year, the Government continued a campaign to correct systemic weaknesses in the judicial system and make it more accountable to public scrutiny. Xiao noted that, in an effort to identify judges of high quality, the Government had introduced a chief justice system in over 50 percent of local courts. The authorities undertook other efforts to improve the training and professionalism of judges and lawyers.

After July 2000, in an effort to distance judges from prosecutors, judges in Beijing shed their military style uniforms, including epaulets and caps, in favor of robes or suits. The NPC also approved separate draft amendments to the 1995 laws on judges and prosecutors in July 2000. One amendment requires judicial or prosecutorial appointees to be law school graduates who have practiced law for at least 2 years, or postgraduates who have practiced law for at least 1 year. Another requires heads of courts and procuratorates, members of judicial committees of courts and procuratorates, and heads of judicial panels to have passed relevant examinations.

During the year, some lawyers, law professors, and jurists continued publicly to press for legal reform. Major newspapers and legal journals called for the introduction of a British or American system of discovery, the abolition of coerced confessions, a legal presumption of innocence, an independent judiciary, and improved administrative laws. Western scholars and journalists also wrote a series of articles critical of shortcomings in the justice system. Specific criticisms include the use of administrative detention in psychiatric facilities to house political or religious dissidents, absence of legal provisions specifically guaranteeing a suspect's right to remain silent, coerced confessions, torture, the presumption of guilt and the right to legal counsel during interrogation.

Government officials denied that there were any political prisoners, asserting that authorities detained persons not for their political or religious views, but because

they violated the law. However, the authorities continued to detain citizens for political and religious reasons. It is estimated that thousands of political prisoners remain incarcerated, some in prisons and others in labor camps.

The 1997 Criminal Law replaced “counterrevolutionary” offenses, which, in the past, often had been used against the Government’s political opponents, with loosely defined provisions barring “crimes endangering state security.” In 2000 officials stated that there were 1,300 individuals in prisons serving sentences under the Counterrevolutionary Law. Persons detained for such offenses included Hu Shigen, Kang Yuchun, Yu Zhijian, Zhang Jingsheng, and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged with counterrevolution, since the crime was no longer on the books, and release those who had been jailed for nonviolent offenses under the old statute. Officials have indicated that a case-by-case review of appeals filed by individual prisoners is possible under the law, and there is one known case of a successful appeal. However, the Government indicated that it would neither initiate a comprehensive review of cases nor grant a general amnesty, arguing that there is no law on retroactive decriminalization. Those charged with counterrevolutionary crimes, including those who committed nonviolent acts, continue to serve their sentences.

Amnesty International has identified 211 persons who remain imprisoned or on medical parole for their participation in the 1989 Tiananmen demonstrations; other NGO’s estimate that as many as 2,000 persons remain in prison for their actions at that time.

The Government released several political prisoners early. Tiananmen activist Zhang Jie was released from a prison in Weifang City, Shandong in January. A founding member of the CDP, Han Lifa, was released from a labor camp in July, as was the poet Ma Zhe, who was released after serving 3½ years in a Guizhou Province jail. Guo Haifeng, a former leader of the 1989 Tiananmen movement, was released 6 months early in March. In July labor activist Cao Maobing was released from a psychiatric facility where he had been held for 7 months. Dissident Zhou Yongjun was released in March.

However, many others, including Chadrel Rinpoche, Fan Zhongliang, Han Chunsheng, Li Bifeng, Jigme Sangpo, Ngawang Sangdrol, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Xu Guoxing, Xu Wenli, Zhang Lin, Zhang Shanguang, Zhao Changqing, and Fang Jue remained imprisoned or under other forms of detention during the year. Political prisoners generally benefit from parole and sentence reduction at significantly lower rates than ordinary prisoners do. In addition, authorities summarily tried and sentenced political dissidents to long prison terms.

Criminal punishments can include “deprivation of political rights” for a fixed period after release from prison, during which the individual is denied rights of free speech and association. Former prisoners also can find their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families still frequently are subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and may encounter difficulty in obtaining or keeping employment and housing.

f. Arbitrary Interference With Privacy, Family, Home, Correspondence.—The Constitution states that the “freedom and privacy of correspondence of citizens are protected by law.” Despite legal protections, authorities often do not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently has been ignored; moreover, the Public Security Bureau and the Procuratorate can issue search warrants on their own authority. Authorities monitor telephone conversations, facsimile transmissions, e-mail, and Internet communications. Authorities also open and censor domestic and international mail. The security services routinely monitor and enter the residences and offices of persons dealing with foreigners to gain access to computers, telephones, and fax machines. Government security organs monitor and sometimes restrict contact between foreigners and citizens. All major hotels have a sizable internal security presence.

In urban areas, many persons still depend on Government-linked work units for housing, healthcare, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social or political control, and government interference in daily personal and family life continues to decline for the average citizen.

Some dissidents are under heavy surveillance and routinely have their telephone calls with foreign journalists and diplomats monitored. The authorities blocked some dissidents from meeting with foreigners during politically sensitive periods. Police ordered several dissidents not to meet with foreign journalists or foreign diplomats during the period it was announced that Beijing would host the 2008 Summer Olympics or during the visit of a high-level foreign official in July.

Government harassment prevents activists from obtaining and keeping steady employment. In 2000 the Government prevented Ding Zilin, an organizer of relatives of the victims of the Tiananmen massacre, from meeting the widow of a prominent foreign author, and the Government continued to freeze bank accounts kept by Ding Zilin and others containing funds to help families of the Tiananmen Square massacre victims. The authorities also confiscated money intended to help dissidents and their families. Dissidents have reported harassment by the authorities. Dissidents in Shanghai have been warned not to meet with certain persons, talk to reporters, or write or fax articles. Such harassment appears to be common among Tiananmen-era activists.

Authorities also harassed and monitored the activities of relatives of dissidents. Security personnel kept close watch on relatives of prominent dissidents, especially during sensitive periods. For example, security personnel followed the wife of Xu Wenli to meetings with foreign reporters and diplomats on numerous occasions. Dissidents and their family members routinely are warned not to speak with the foreign press. Police sometimes detained the relatives of dissidents (see Sections 1.d. and 2.a.).

Official poverty alleviation programs and major state projects—such as the Three Gorges Dam and environmental or reforestation projects—included forced relocation of persons.

The Government continued to implement comprehensive and sometimes coercive family planning policies. The State Family Planning Commission (SFPC), with a staff of 400,000, formulates and implements policies with assistance from the Family Planning Association, which has 83 million members working part-time at 1 million branches nationwide. A strict one-child policy (or two-child policy for couples with no siblings) applies in the cities, but not in most rural areas, where 70 percent of citizens live. For enforcement, birth control policies depend heavily on severe economic penalties (called “social compensation fees”) for over-quota children. These fines are assessed at widely varying levels, depending on the circumstances of the parents. Most demographers estimate fertility at 2.0 to 2.3 births per woman (although the official figure is 1.8), indicating that the “one-child policy” is not applied uniformly.

Couples in urban areas are affected most severely by family planning regulations, seldom receiving permission to have more than one child, although urban couples who themselves were only children may have two children. Fines for over-quota children can be extremely high, equaling several years’ wages for an average worker. At the same time, economic development and other factors such as small houses, both parents working full-time, and high education expenses have reached a level where couples in major urban centers often voluntarily forego having children or limit their families to one child. There were indications that, due to the success of the one-child policy in urban areas, the Government was beginning to relax its policies in the cities. In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years, and for men at 22 years; marrying 2 or more years later is encouraged. It is illegal for unmarried women to bear children.

Outside the cities, exceptions to the one-child policy are becoming the norm. The average number of children per family in rural areas is slightly over two. Couples in rural areas generally are allowed to have a second child if the first is a girl, an exception that takes into account both the demands of farm labor and the traditional preference for boys. Families whose first child is disabled also are allowed to have another child. Ethnic minorities, such as Muslim Uighurs and Tibetans, are subject to significantly less stringent population controls and in some rural areas they are permitted to have as many as four children. In remote areas, there are no effective limits, but government employees and Party members are encouraged to have only one child.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. The national family planning policy is implemented through provincial and local regulations. According to local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine device (IUD) or implant. The regulations further require that women who use an IUD undergo quarterly exams to ensure

that it remains properly in place. Rewards for couples who adhere to family planning policies include monthly stipends and preferential medical and educational benefits.

Disciplinary measures against those who violate policies can include fines of up to three times a couple's annual salary, withholding of social services, higher tuition costs when the child goes to school, demotion, and other administrative punishments, including in some cases the loss of employment. Government employees are particularly vulnerable to loss of employment when they have a child without permission. Fines for giving birth without authorization vary, but they can be a formidable disincentive. In many provinces, penalties for excess births in an area also can be levied against local officials and the mother's work unit, thus creating multiple sources of pressure. In Guizhou, for example, regulations state that officials in an area in which birth targets are not met cannot be promoted in that year. All workers at a factory or other work unit might lose a bonus if one worker has a child without permission. Unpaid fines sometimes have resulted in confiscation or destruction of homes and personal property by local authorities.

In June 1999 Anhui province promulgated amended family planning rules that stated that each couple "is encouraged" to have only one child, that second births are "strictly controlled," and that "unplanned births are forbidden." Women of child-bearing age are required periodically to undergo pregnancy tests, and couples are required to "practice effective contraceptive measures." Couples already having a child are required to adopt long-term birth control measures. In the cases of families that already have two children, one of the parents "is encouraged to undergo sterilization." According to a credible report, the number of couples undergoing sterilization procedures after giving birth to two children increased significantly in at least one inland province. In addition the rules state that "unplanned pregnancies must be aborted immediately."

Over the past few years, authorities have initiated experiments to relax family planning targets in several counties and have announced plans to expand this relaxation. The Government reportedly encourages local officials to initiate and fund their own projects on family planning.

Penalties for violations of family planning regulations have led to widespread underreporting of rural births, making population statistics unreliable. Local officials, caught between pressures from superiors (usually provincial-level leaders) to show declining birth rates, and from local citizens to allow them to have more than one child, frequently make false reports.

Central Government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, intense pressure to meet family planning targets set by the Government has resulted in documented instances in which local family planning officials have used coercion, including forced abortion and sterilization, to meet Government goals. During an unauthorized pregnancy, a woman often is paid multiple visits by family planning workers and pressured to terminate the pregnancy. Senior officials have stated repeatedly that the Government "made it a principle to ban coercion at any level." Senior officials acknowledge that problems persist and insist on the Government's determination to address such problems. The SFPC has issued circulars nationwide prohibiting family planning officials from coercing women to undergo abortions or sterilization against their will. In August 2000 SFPC officials publicly criticized local officials in Huaiji, Guangdong Province, for "periodic campaigns" in which the local government organized women of childbearing age to be sterilized or have intrauterine devices inserted. Under the State Compensation Law, citizens also can sue officials who exceed their authority in implementing family planning policy, and in a few instances, individuals have exercised this right.

Corruption related to family planning fines is a widespread problem. SFPC officials reported that they responded to over 10,000 complaints against local officials during the year. They also have reported serious sanctions imposed on numerous officials during the year.

In late 1998, the U.N. Population Fund (UNFPA) launched a 4-year pilot project in 32 counties. Under this program, local officials must address family planning and reproductive health issues solely through the use of voluntary measures, emphasizing education, improved reproductive health services, and economic development. The SFPC worked closely with the UNFPA to prepare informational materials and to provide training for officials and the general public in the project counties. In all the project counties, the local governments have informed the general public about the UNFPA program and have eliminated the system of overall countywide birth and population targets that tends to generate coercive enforcement. Economic fines assessed on individual families for over-quota children, however, remain. Central authorities have welcomed foreign delegations to inspect the UNFPA project coun-

ties, and foreign diplomats visited several counties during the year. Thanks to the shift in SFPC priorities, UNFPA reports that the number of women countrywide who make their own contraceptive choices rose from 53 percent in 1998 to 83 percent in 2000.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, many families have used ultrasound to identify female fetuses and terminate pregnancies (see Section 5). The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which mandates punishment of medical practitioners who violate the provision. According to the SFPC, a handful of doctors have been charged under this law. After operating for 7 years, an illegal sex determination clinic was exposed in 2000 when an outraged citizen called the Liaoyang City mayor's hot line. Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. According to demographers in the country, currently there may be as many as 100 million more men than women. These skewed statistics reflect both the underreporting of female births so that parents can keep trying to conceive a boy, and the abuse of sonograms leading to the termination of pregnancies based on the sex of the fetus. Female infanticide, abandonment, or the neglect of baby girls that results in lower female survival rates are also factors (see Section 5). The state-run media is paying increasing attention to unbalanced birth ratios, and the societal problems, such as localized shortages of marriageable women and trafficking in women, which they cause (see Section 6.f.). In the cities, the traditional preference for sons is changing; in the rural areas the preference remains strong.

The Maternal and Child Health Care Law requires premarital and prenatal examinations to determine whether couples have acute infectious diseases or certain mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health implements the law, which recommends abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent to such procedures. At least five provincial governments have implemented local regulations seeking to prevent persons with severe mental disabilities from having children. In August 1998, the Government issued an "explanation" to provincial governments clarifying that no sterilization of persons with genetic conditions could be performed without their signed consent. In practice, most areas still do not have the capacity accurately to determine the likelihood of passing on hard to detect debilitating genetic diseases.

During the year, the China Psychiatric Association ceased listing homosexuality as a mental illness. Many gays and lesbians saw the move as a sign of increased government tolerance. Nonetheless, most gatherings of gays and lesbians still take place clandestinely.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution states that freedom of speech and freedom of the press are fundamental rights to be enjoyed by all citizens; however, the Government restricts these rights in practice. During the year, the Government maintained tight restrictions on freedom of speech and the press. The Government interprets the Communist Party's "leading role"—as mandated in the preamble to the Constitution—as circumscribing these rights. The Government strictly regulates the establishment and management of publications. The Government does not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenge Communist Party rule. The Party and Government continue to control many—and, on occasion, all—print and broadcast media tightly, and use them to propagate the current ideological line. According to official statistics, in 1998 the country had 2,053 newspapers, 7,999 magazines and trade publications, and published 7.24 billion copies of books representing 7,999 titles. All media employees are under explicit, public orders to follow CCP directives, and "guide public opinion," as directed by political authorities. Both formal and informal guidelines continue to require journalists to avoid coverage of many politically sensitive topics. The State Security Law forbids journalists from divulging "state secrets." These public orders, guidelines, and statutes greatly restrict the freedom of broadcast journalists and newspapers to report the news, and lead to a high degree of self-censorship. The Government's harsh propaganda campaign against the FLG intensified after the January self-immolation of four FLG adherents, but had abated by the end of the year. There were also intermittent propaganda campaigns against superstition.

Some dissidents remained active and continued to speak out despite the Government's restrictions on freedom of speech. In January 119 dissidents sent an open letter urging the Government to release jailed colleagues ahead of the Lunar New Year festival, stating that it would help Beijing's bid for the 2008 Olympic Games. Lin Mu, the former secretary of former reform-minded Communist Party boss Hu Yaobang, organized the letter campaign. Prominent activists including Zhou Guoqiang, Wang Donghai, Chen Longde, and Leng Wanbao signed the letter. In July Wang Hongxue of Bengbu, Anhui Province issued an open letter demanding that the authorities fulfill their commitment to the International Olympic Committee about improving human rights by reversing the verdict on the 1989 Tiananmen Massacre. In September 500 intellectuals signed an open letter calling for greater press freedom and reform of the education system to curb nationalism. However, the Government continued to threaten, arrest and imprison persons exercising free speech. For example, in February Shan Chengfeng, wife of Chinese Democratic Party co-founder Wu Yilong, was sentenced to two years reeducation-through-labor for urging the International Olympic Committee to exert pressure to release a number of CDP prisoners.

Although there are a few privately owned print publications, all media stories must be vetted by the authorities before publication. There are no privately owned television or radio stations, and all programming must be approved by the Government. Commercial program producers are seeking to expand the limits of broadcast content.

As in the past, during the year, journalists and editors who exposed corruption scandals frequently faced problems with the authorities, and the Government continued to close down publications and punish journalists for printing material deemed too sensitive. Newspaper editors may be suspended and sent to the Propaganda Bureau for "rectification," after which they generally can return to work in the publishing industry. President Jiang indicated the ban on new permits for magazines and publishing houses would remain in place and that authorities would place tighter controls on freelance contributors to newspapers, magazines, and Web sites, as well as freelance production houses for television units. At year's end, these controls had not been implemented.

With the Government's consent and even open support, the press continued to publish stories related to citizens' rights, legal reform, official corruption, and official misconduct and gross abuses, particularly by law enforcement officials. However, newspapers cannot report on corruption without government and Party approval, and publishers published such material at their own risk. In December 2000, Jiang Weiping, a reporter for the Hong Kong-based Wen Wei Pao newspaper, was detained for writing stories alleging that authorities had covered up several embezzlement schemes in Liaoning Province. In June authorities announced Jiang would be tried for leaking state secrets. In July Yao Xiaohong, director of the news department of the Dushi newspaper in Jiangxi province, was fired for reporting that local officials had removed the kidneys from an executed convict without his prior consent.

In recent years, journalists were harassed, detained, and threatened often for reporting on subjects that met with the Government's or local authorities' disapproval, including corruption. However, during the year, the authorities appeared to target editors, rather than journalists, for punishment when articles upset Party officials. In May Central Committee Propaganda Department officials severely criticized the editorial staff of Guangzhou's widely read newspaper, Southern Weekend, and forced its management to fire two senior editors for publishing exposes of corruption. Some believe that the actions against Southern Weekend were taken in response to complaints from provincial Party propaganda chiefs in other parts of the country angered by corruption exposes in their provinces. Southern Weekend's investigative reporting and critical editorials have resulted in several actions against it by the authorities in the past. In July, reportedly in response to publishing criticisms of CCP General Secretary Jiang Zemin's plans to allow entrepreneurs into the Communist Party, the Central Party Propaganda Department suspended publication of the leftist journals Pursuit of Truth and Mainstay.

During the year numerous journalists received prison sentences for reporting on subjects deemed sensitive by the Government. Freelance journalist Zhu Ruixiang was arrested on May 9 and charged with subversion after distributing articles over the Internet. On September 11, he was sentenced to three years in prison. Liu Haofeng was sentenced to re-education through labor on May 16 for having published policy papers critical of the regime's treatment of the China Democracy Party. Wang Jinbo was sentenced to four years in prison in December for having e-mailed articles to overseas publications advocating a review of verdicts issued in the June 4, 1989 Tiananmen massacre.

The Government confiscated the November 24 edition of the magazine *Securities Market Weekly*. That edition carried a short article about the influence of National People's Congress Chairman Li Peng's wife and son in the power generation sector of the PRC economy.

Nonetheless, during the year, the press did report aggressively on a number of events, which in some cases resulted in government officials taking action. For example, press coverage of a March 6 explosion at a rural school that killed dozens of students and teachers in south central Jiangxi province appeared to cause the central authorities to change their initial version of events (see Section 6.d.). The media also reported on the Nandan tin mine disaster in Guangxi in July, which killed 300 persons. Quick and accurate reporting by the media led to the arrest in August of 15 persons who had tried to cover up the disaster. On August 27, the official Party newspaper, *The People's Daily*, defended the watchdog function of the media and lauded reporters for their investigative work in a number of cases, particularly the Nandan incident. The newspaper stated that the journalists' coverage of Nandan enabled officials to respond and to investigate the coverup.

Government restrictions on the press and the free flow of information, however, prevented accurate reporting on the spread of HIV/AIDS and the role of blood collection procedures in the spread of the disease in rural areas.

During the year, propaganda authorities seemed to pay less attention to aggressive reporting on economic topics. In August the magazine *Business and Finance Review* exposed a well-connected, Ningxia-based company that illegally had manipulated its stock price and cheated its investors. The magazine ran the story despite reported complaints by propaganda officials. Newspapers and magazines appeared to be increasingly bold in their economic reporting—particularly on finance and real estate issues. Experts attributed the growing aggressiveness to market forces, especially increasing competition from other newspapers, domestic satellite television channels, and the Internet.

For several years, journalists openly have called for legislators to enact a press law to grant them press freedom protection. In May 2000, the legal affairs bureau of Anhui Province issued a regulation banning government departments from refusing press interviews. A division chief at the Beijing High People's Court indicated in a December 2000 press interview that the Supreme People's Court might be pressed to issue judicial explanations of constitutional press safeguards to local law enforcement officials as a means to expand press freedoms and protect journalists.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs.

The publishing industry consists of three kinds of book businesses: Roughly 500 Government-sanctioned publishing houses, smaller independent publishers that cooperate with official publishing houses to put out more daring publications, and an underground press. The government-approved publishing houses are the only organizations legally permitted to print books. The Government exerts control by issuing a limited number of publishing licenses, which are required for each edition of any book. A Party member at each publishing house monitors the content of the house's publications and uses the allocation of promotions, cars, travel, and other perks to encourage editors to exercise "proper" judgment about publications. Overt intervention by the State Publications Administration and Party Propaganda Bureau is strictly post-publication. Independent publishers take advantage of a loophole in the law to sign contracts with Government publishing houses to publish politically sensitive works. These works generally are not subjected to the same multilayered review process as official publications of the publishing houses.

Underground printing houses, which are growing in number, publish the books that are the most popular with the public. These underground printing houses have been targets of campaigns to stop all illegal publications (including pornography and pirated computer software and audiovisual products), which has had the effect of restricting the availability of politically sensitive books.

The PEN American Center reported that during 2000 there was a tightening of the publishing rules. There also were reports that 15 publishing houses were closed in 2000.

Customs officials have seized shipments of Bibles that were not authorized by the Government. The authorities continued to jam, with varying degrees of success, Chinese- and Tibetan-language broadcasts of the Voice of America (VOA) and Radio Free Asia (RFA). English-language broadcasts on VOA generally are not jammed, unless they immediately follow Chinese-language broadcasts, in which case portions of English-language broadcasts may be jammed. Government jamming of RFA is more frequent and effective. In the absence of an independent press, overseas broadcasts such as VOA, British Broadcasting Corporation (BBC), RFA, and Radio France

International have a significant audience, including activists, ordinary citizens, and even government officials.

Television news programs continued attempts to expand the number of topics that openly can be discussed. The nightly news program, Focal Point, frequently ran exposes on corruption or socially relevant stories that resulted in the authorities investigating wrongdoing. On December 20, 2000, Hunan Star TV's talk show, Take it Easy, became the first program in to air a program talking frankly about homosexual life. Plans to rebroadcast the program in during the year were canceled, allegedly due to pressure from the State Administration of Radio, Film, and Television.

In August some local cable television networks began providing uncensored foreign news programming, including programs from CNN and European news services, to cable television customers for a fee. Prior to this, only major hotels and residence compounds for foreigners could legally show uncensored TV news from outside of the country.

The Government continued to encourage the expansion of the Internet; however, it also continued to place restrictions on information available on the Internet. According to a China Network Information Center survey released in January, 22.5 million persons used the Internet at that time. By the end of 2000, 892,000 computers were linked to the Internet. While only a very tiny fraction of all citizens use it, many of the country's intellectuals and opinion leaders now routinely use the Internet. Officials consider the Internet to be a key element of the nation's economic development strategy. The authorities appear to understand that the country needs the economic benefits the Internet brings, but fear the political ramifications of the free flow of information.

The Ministry of Information Industry (MII) regulates access to the Internet while the Ministries of Public and State Security (MPS and MSS) monitor its use. In late 2000, the Government issued regulations governing ownership, content and other aspects of Internet use, including who can own Internet businesses, what can be published on the Internet, and who has oversight over Internet businesses. The regulations reportedly require Internet content providers to keep files of what they post and who reads it for 60 days. Other regulations were set up punishing persons who store, process, or retrieve information deemed to be "state secrets" from international computer networks. In October 2000, a regulation went into effect banning the dissemination of any information that might harm unification of the country, endanger national security, or subvert the government. Promoting "evil cults" was banned as was providing information that "disturbs social order or undermines social stability." One new regulation, covering chat rooms, requires all service providers to monitor content and restrict controversial topics. Internet cafes are required to monitor, keep identifying information, and report on customers using the terminals; they also are required to monitor and limit access to information that is prohibited by law or regulation. Another regulation requires Internet cafe patrons to register with "software managers" and produce a valid ID card to log on. Throughout the country, diplomats have observed that most Internet cafe users ignore these regulations. Enforcement of some regulations generally wanes after a few months. There have been reports that the Government has specially trained police units to monitor and increase control of Internet content and access.

The authorities block access to Web sites they find offensive. Authorities have at times blocked politically sensitive Web sites, including those of dissident groups and some major foreign news organizations, such as the VOA, the Washington Post, the New York Times, and the BBC. E-mail and e-mail publications are more difficult to block, although the Government attempts to do so by, at times, blocking all e-mail from overseas Internet service providers used by dissident groups, and by filtering and tracking individual e-mail accounts. Overseas dissident publications respond to attempts by authorities to block their sites by constantly shifting their e-mail origination address. Citizens who supply large numbers of e-mail addresses to organizations abroad have been prosecuted. The authorities do not consider persons who receive dissident e-mail publications responsible for having gotten onto a mailing list, but forwarding those messages to others is illegal.

Although knowledgeable Internet users can find a great deal of sensitive material, government net censorship intimidates many Web content providers into censoring themselves. Content on some bulletin boards has been removed. Internet entrepreneurs have complained that Government regulations controlling the Internet were so broadly written that MSS officials could find any Web page operator or e-commerce merchant guilty of violating regulations. Although there are frequent reports about crackdowns on Internet cafes in the country, diplomats observe that the number and geographic distribution of cafes continues to grow rapidly.

In April Guo Qinghai of Cangzhou City outside Beijing became the first person convicted under new laws on the Internet when he was given a 4 year sentence for posting pro-democracy material. Also in April, Beijing-based Yang Zili was detained by security officers for allegedly helping dissidents get past government firewalls and set up e-mail accounts that could not be tapped. That same month, Wang Sen was detained in Dachuan, Sichuan Province for posting articles alleging the resale of Red Cross-donated tuberculosis medicine. In May Wang Jinbo was arrested in Junan, Shandong Province, for posting Internet articles “defaming” the police. In June police detained Li Hongmin in Hunan province for distributing copies of the Tiananmen Papers over the Internet. In August Chengdu-based Internet activist Huang Qi was tried secretly and found guilty of “subverting state power.” Huang had operated a site exposing corrupt practices and criticizing the June 4, 1989 Tiananmen massacre. At year’s end he had not been sentenced.

Writers who have difficulty getting published sometimes circulate their work by e-mail or on Web sites. Some Web sites, such as the “Marxist Liberal Left Wing Ideology Web site” and the People’s Daily “Strong Country Forum,” regularly post surprisingly frank critiques of society, the Party, and the Government.

The Government does not fully respect academic freedom and continues to impose ideological controls on political discourse at colleges, universities, and research institutes. Scholars and researchers report varying degrees of control regarding the issues that they may examine and the conclusions that they may draw. Censorship of written material comes at the time of publication, or when intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercise self-censorship. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate.

The Government continues to use political attitudes as criteria for selecting persons for Government-sponsored study abroad, but does not impose such restrictions on privately sponsored students (who constitute the majority of students who study abroad).

Foreign-based researchers working in the country, such as Qin Guangguang, also have been subject to sanctions from the authorities when their work crosses ill-defined boundaries and arbitrarily is determined to be a crime. Other foreign-resident Chinese national scholars were detained in previous years. These detentions created a chilling effect on other Chinese researchers, whether resident in the country or abroad. There also was concern that collaborative research with foreigners may become more difficult.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government severely restricts this right in practice. The Constitution stipulates that such activities may not challenge “Party leadership” or infringe upon the “interests of the State.” Protests against the political system or national leaders are prohibited. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissenting political views.

At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The most widely publicized demonstrations in recent years were those of the FLG spiritual movement. For the past 3 years, the Government has waged a severe political, propaganda, and police campaign against the FLG movement. Since the Government banned the FLG in 1999, the mere belief in the discipline (and since January, even without any public manifestation of its tenets) has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. In some cases, practitioners in custody have suffered torture and death. Several hundred practitioners have been tried and convicted of crimes—including that of “using a heretical cult to disturb social order.” However, the great majority of practitioners have been punished without a trial. In the wake of a series of large protests on Beijing’s Tiananmen Square, the Government stepped up the use of the reeducation-through-labor system to sentence practitioners administratively to up to 3 years in detention.

Many thousands of FLG practitioners have been detained in reeducation-through-labor camps; many more have been confined to psychiatric hospitals. During the year, facilities were established specifically to “rehabilitate” practitioners who refuse to recant their belief voluntarily (see Section 2.c.).

The tactic used most frequently by the central government against FLG, however, has been to make local officials, family members, and employers of known practitioners responsible for preventing FLG activities by individuals. In many cases, practitioners are subject to close scrutiny by local security personnel and their personal mobility is tightly restricted, particularly on days when the Government be-

lieves public protests are likely. Directives to prevent FLG protests at all costs has resulted in many egregious abuses.

In many cases, the authorities dealt with economic demonstrations leniently (see Section 6.a.), but some economic demonstrations were dispersed with the use of force. While the exact number of demonstrations is difficult to quantify, the Government stated that the number of demonstrations nationwide continued to grow. According to the most recently available Public Security Ministry Report, in 1999 more than 100,000 demonstrations took place, up from 60,000 in 1998. Some of these demonstrations included thousands of protesters. Authorities handled many of the protests with restraint, especially those concerned with economic issues. The frequency of most types of demonstrations increased during the year; however, the number of FLG demonstrations decreased (see Section 2.c.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, environmental, labor, and youth organizations that directly challenge government authority. Since November 1999, all concerts, sports events, exercise classes or other meetings of more than 200 persons must be approved by Public Security authorities.

There are no laws or regulations that specifically govern the formation of political parties. The Government moved decisively, using detentions and prison terms, to eliminate the China Democracy Party, which activists around the country had tried since 1998 to organize into the country's first opposition political party.

According to 1998 Government statistics, the latest such figures available, there were 1,500 national-level, quasi-nongovernmental organizations, 165,000 social organizations and 700,000 nonprofit organizations registered with the Ministry of Civil Affairs. Although these organizations all came under some degree of Government control, they were able to develop their own agendas. Many had support from foreign secular and religious NGO's. Some sought advocacy roles in less controversial public interest areas such as women's issues, the environment, and consumer rights. Regulations stipulate local-level NGO's must have an official office and at least \$3,600 (30,000 RMB) in funds. National-level groups must have at least \$12,000 (100,000 RMB). Applications must be vetted by the Government, which has 2 months in which to grant approval. Once established, groups are required to submit to regular oversight and "obey the Constitution, laws, and national policies." They must not "damage national unity, or upset ethnic harmony." Violators (groups that disobey guidelines or unregistered groups that continue to operate) may face administrative punishment or criminal charges. It is difficult to estimate how many groups may have been discouraged from organizing NGO's because of these regulations. However, preexisting groups report little or no additional interference by the Government since the new regulations came into effect.

c. Freedom of Religion.—The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. There are five officially recognized religions—Buddhism, Taoism, Islam, Protestantism, and Catholicism. For each faith, there is a government-affiliated association to monitor and supervise its activities. Membership in religions is growing rapidly; however, while the Government generally does not seek to suppress this growth outright, it tries to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Communist Party. The Criminal Law states that government officials who deprive citizens of religious freedom may, in serious cases, be sentenced to up to 2 years in prison. There are no known cases of persons being punished under this statute.

Overall, government respect for religious freedom remained poor and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued. The Government intensified its repression of groups that it determined to be "cults," and of the FLG in particular. Various sources report that thousands of FLG adherents have been arrested, detained, and imprisoned, and that approximately 200 or more FLG adherents have died in detention since 1999; many of their bodies reportedly bore signs of severe beatings or torture or were cremated before relatives could examine them. The atmosphere created by the nationwide campaign against FLG had a spillover effect on unregistered churches, temples, and mosques in many parts of the country. Separately, under the guise of urban renewal and cracking down on unregistered places of worship, authorities in Wenzhou, Zhejiang province razed an unknown number

of churches and temples in late 2000. However, official repression of underground Catholic and Protestant groups in Guangdong and Fujian provinces eased somewhat.

In general unregistered religious groups continued to experience varying degrees of official interference, harassment, and repression. Some unregistered religious groups, including Protestant and Catholic groups, were subjected to increased restrictions, including, in some cases, intimidation, harassment, and detention; however, the degree of restrictions varied significantly from region to region. In some localities, authorities forced "underground" churches, temples and mosques to close. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang.

The State reserves to itself the right to register and thus to allow to operate particular religious groups and spiritual movements. The State Council's Religious Affairs Bureau (RAB) is responsible for monitoring and judging the legitimacy of religious activity. The RAB and the CCP's United Front Work Department (UFWD), both of which are staffed by officials who are rarely, if ever, religious adherents, provide policy "guidance and supervision" over implementation of government regulations on religious activity, including the role of foreigners in religious activity.

Offenses related to membership in unapproved religious groups are classified as crimes of disturbing the social order. According to the Law Yearbook of China, arrests for "Disturbing the Social Order" increased dramatically in 1999 over 1998. In 1998, 76,500 persons were arrested; in 1999, over 90,000 persons were arrested. Most experts agree the increase primarily was due to the Government's crackdown, begun in mid-1999, on qigong groups like the FLG, evangelical Christian groups, localized Buddhist groups such as the Society of Disciples (Mentu Hui) and the Guanyin Famin, Protestant house churches, and the underground Roman Catholic Church.

The Government has restored or replaced churches, temples, mosques, and monasteries damaged or destroyed during the Cultural Revolution, and allowed the reopening of some seminaries. Implementation of this policy has varied from locality to locality. However, there are far fewer temples, churches, or mosques than existed 50 years ago, despite the recent increase in number of religious believers. The difficulty in registering new places of worship has led to crowding in existing places of worship in some areas. Some observers cite the lack of adequate meeting space in registered churches to explain the rapid rise in attendance at house churches and "underground" churches. However, the Government continued and in some areas intensified a national campaign to enforce State Council regulations and provincial regulations that require all places of worship to register with either government religious affairs bureaus or to come under the supervision of official "patriotic" religious organizations, affiliated with either the Catholic Patriotic Association or the (Protestant) Three-Self Patriotic Movement/Chinese Christian Council to operate legally. There are six requirements for the registration of venues for religious activity: Possession of a meeting place; citizens who are religious believers and who regularly take part in religious activity; qualified leaders and an organized governing board; a minimum number of followers; a set of operating rules; and a legal source of income. There are reports that despite the rapidly growing religious population, it is difficult for new places of worship to register, even among the five officially recognized faiths.

Some groups registered voluntarily, some registered under pressure, some shunned officials in an attempt to avoid registration, and authorities refused to register others. Some unofficial groups claimed that authorities often refused them registration without explanation. The Government contends that these refusals were mainly the result of failure to meet requirements concerning facilities and meeting spaces. Many religious groups have been reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders and members. In some areas, efforts to register unauthorized groups were carried out by religious leaders and civil affairs officials. In other regions, police and RAB officials performed registration procedures concurrently with other law enforcement actions. Police closed scores of "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Some were destroyed; others were confiscated by authorities for other uses. Leaders of unauthorized groups often were the targets of harassment, interrogations, detention, and physical abuse.

In some areas there were reports of harassment of churches by local RAB officials which is attributed, at least in part, to financial issues. For example, although regulations require local authorities to provide land to church groups, some local officials

may try to avoid doing so by denying registration, thus avoiding the requirement to provide land. Official churches also may face harassment if local authorities wish to acquire the land on which a church is located. In addition to refusing to register churches, there also are reports that RAB officials have requested illegal "donations" from churches in their jurisdictions as a means of raising extra revenue.

There is significant variation in how the authorities deal with unregistered religious groups, and the intensity of scrutiny on "house churches" or unregistered churches varied from region to region. In certain regions, government supervision of religious activity was minimal, and registered and unregistered churches were treated similarly by authorities, existing openly side by side. Coexistence and cooperation between official and unofficial churches in such areas, both Catholic and Protestant, is close enough to blur the line between the two. In these areas, many congregants worship in both types of churches. However, in some areas relations between the two churches remained hostile. In other regions, particularly where considerable unofficial and official religious activity takes place, such as in Zhejiang, Guangxi, Shanghai, and Chongqing, local regulations call for strict government oversight of religion and authorities have cracked down on unregistered churches and their members. During the year, some unregistered religious groups were subjected to increased restrictions, and, in some cases, intimidation, harassment, and detention. The situation in the southern province of Guangdong improved somewhat during the year, after a crackdown on house churches there in early 2000. Repression of underground Catholics in the southeastern province of Fujian, a major concern in 2000, subsided over the course of the year. However, underground Protestant and Catholic contacts in the northern and central parts of the country, especially in Beijing, Henan, Hebei, Shaanxi, and Shanxi, reported an increase in efforts to force them to register. Throughout the year, the Government moved swiftly against houses of worship outside its control that grew too large or espoused beliefs that it considered threatening to "state security."

The law does not prohibit religious believers from holding public office; however, most influential positions in government are reserved for Party members, and Communist Party officials state that Party membership and religious belief are incompatible. This has a disproportionate effect in such minority-inhabited areas as Xinjiang and Tibet. Party membership also is required for almost all high-level positions in government and in state-owned businesses and organizations. The Communist Party reportedly has issued circulars ordering Party members not to adhere to religious beliefs, and to remind Party cadres that religion was incompatible with Party membership, a theme reflected in authoritative media. The "Routine Service Regulations" of the People's Liberation Army (PLA) state explicitly that servicemen "may not take part in religious or superstitious activities." Party and PLA military personnel were expelled for adhering to the Falun Gong movement. On December 13, all seven members of the Politburo attended a Party Work Conference on religion. President Jiang Zemin and Premier Zhu Rongji gave speeches at the conference that likely will be the basis for future policy directives. In their speeches, the leaders praised the social work being done by numerous religious institutions and urged "mainstream" religious groups that are presently "underground" to register with the RAB. At the same time, the leaders called for stepped-up measures to eliminate non-mainstream religious groups. Despite official regulations encouraging officials to be atheists, in some localities as many as 20 to 25 percent of Communist Party officials engage in some kind of religious activity. Most officials who practice a religion are Buddhist or practice a folk religion. Religious figures, who are not members of the CCP, are included in national and local government organizations, usually to represent their constituency on cultural and educational matters. The National People's Congress includes several religious leaders, including Pagbalha Geleg Namgyai, a Tibetan reincarnated lama who is a vice chairman of the Standing Committee of the NPC. Religious groups also are represented in the Chinese People's Political Consultative Conference, a forum for "multiparty" cooperation and consultation led by the Chinese Communist Party, which advises the Government on policy.

The authorities permit officially sanctioned religious organizations to maintain international contacts that do not involve "foreign control." What constitutes "control" is not defined. Regulations enacted in 1994, and expanded in September 2000, codified many existing rules involving foreigners, including a ban on proselytizing by foreigners. For the most part, authorities allow foreign nationals to preach to foreigners in approved, registered places of worship, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also are required to take place at officially registered places of worship or approved temporary locations. Foreigners legally are barred from conducting mis-

sonary activities, but foreign Christians currently teaching English and other subjects on college campuses openly profess their faith with minimum interference from authorities as long as their proselytizing is low key. Many Christian groups throughout the country have developed close ties with local officials, in some cases running schools to help educate children who otherwise would receive a substandard education and operating homes for the care of the aged. Likewise, Buddhist-run private schools and orphanages in the central part of the country not only educate children, but also offer professional training courses to teenagers and young adults.

Official religious organizations administer local religious schools, seminaries, and institutes to train imams, Islamic scholars, and Buddhist monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs is provided by foreign organizations. Both official and unofficial Christian churches have problems training adequate numbers of clergy to meet the needs of their growing congregations. The shortfall is most severe for persons between the ages of 35 and 65. No priests or other clergy in the official churches were ordained between 1955 and 1985. Due to government prohibitions, unofficial churches have particularly significant problems training clergy or sending students to study overseas, and many clergy receive only limited and inadequate preparation. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.).

The widespread traditional folk religions (worship of local gods, heroes, and ancestors) have been revived in recent years and were tolerated to varying degrees as a loose affiliate of Taoism, or as an ethnic minority cultural practice. However, at the same time, folk religions have been labeled as "feudal superstition," and sometimes were repressed. Local authorities have destroyed thousands of local shrines.

Buddhists make up the largest body of organized religious believers. Tibetan Buddhists in some areas outside of the Tibet Autonomous Region (TAR) appear to have growing freedom to practice their faith; however, restrictions remain, especially at those monasteries with close ties to foreign organizations. Monks who study abroad often were prevented from returning to their home monasteries outside of the TAR. There continue to be reports of monks and nuns outside of the TAR who have left monasteries and nunneries to avoid the patriotic education campaigns, which force them to choose between signing oaths with political content or possibly suffering serious consequences. Diplomats have seen pictures of a number of Tibetan religious figures, including the Dalai Lama, openly displayed in parts of Sichuan, Qinghai, and Gansu provinces. Likewise, abbots and monks in those predominantly Tibetan areas outside the TAR report they have greater freedom to worship and conduct religious training than their coreligionists within the TAR. However, beginning in June, the Government began to expel thousands of Tibetan nuns, monks, and students from the Serthar Tibetan Buddhist Institute (also known as the Larung Gar Monastic encampment) located in the Ganze Tibetan Autonomous Prefecture in Sichuan Province. The Government maintained that the facility, which housed the largest concentration of monks and nuns in the country, was reduced in size for sanitation and hygiene reasons. Authorities demolished hundreds of residential structures. Foreign observers believed that the authorities moved against the Institute because of its size and the influence of its charismatic founder, Khenpo Jigme Phuntsok. At year's end, Khenpo Jigme Phuntsok had not returned to the Institute. (A discussion of government restrictions on Tibetan Buddhism in the TAR can be found in the Tibet annex to this report.)

In the past, official tolerance for religions considered traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. However, as these non-Western faiths have grown rapidly in recent years, there are signs of greater government concern and new restrictions, especially on syncretic sects.

Regulations restricting Muslims' religious activity, teaching, the religious education of youths under the age of 18, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslims who engaged in political speech and activities that the authorities deemed separatist. Regional-level Communist Party and government officials repeatedly called for stronger management of religious affairs and for the separation of religion from administrative matters. In 2000 the authorities began conducting monthly political study sessions for religious personnel. In addition they required every mosque to record the numbers and names of those attending each day's activities. The official Xinjiang Daily reported that Yining county early in 2000 reviewed the activities of 420 mosques and implemented a system of linking ethnic cadres to mosques in order to improve vigi-

lance against “illegal religious activities.” The authorities also initiated a campaign to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. There were numerous official media reports that the authorities confiscated “illegal religious publications” in Xinjiang. According to a July 2000 report of the International Coalition for Religious Freedom, for the last several years, the Xinjiang People’s Publication House, has been the only publisher allowed to print Muslim literature in Xinjiang.

In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continue to restrict the building of mosques. However, in other areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there is substantial religious building construction and renovation. Local officials told foreign diplomats that beginning in September, all courses at the Xinjiang Communist Party School were to be conducted in Chinese rather than in the Uighur language. Other officials confirmed that also beginning in September, teachers at Urumqi’s Xinjiang University would have to be able to teach classes in Mandarin, in addition to any other language they understood.

The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. According to the China Islamic Association, 2,000 Muslims took part in the Hajj as members of official delegations. According to some reports, the major limiting factors for participation in the Hajj were the cost and controls on passport issuance. Other Muslims make the trip to Mecca via neighboring countries, especially Pakistan, and may not be counted in government statistics.

The Government takes some steps designed to show respect for the country’s Muslims, such as offering congratulations on major Islamic holidays. However, government sensitivity to concerns of the Muslim community is limited.

The Government so far has refused to establish diplomatic relations with the Holy See, and there is no Vatican representative in the country. The Government’s refusal to allow the official Catholic church to recognize the authority of the Papacy in matters such as the ordination of bishops has led many Catholics to refuse to join the official Catholic church on the grounds that this refusal denies one of the fundamental tenets of their faith.

Some bishops in the official Catholic Church are not openly recognized by the Holy See, although many have been recognized privately. Frequently, bishops are consecrated, then later seek Papal approval of their consecrations, sometimes secretly, causing tensions between the Government and the Vatican. Some church members also have indicated that they are unwilling to accept the authority of bishops ordained without Vatican approval. While both government and Vatican authorities state that they would welcome an agreement to normalize relations, issues concerning the role of the Pope in selecting bishops and the status of “underground” Catholic clerics have frustrated efforts to reach this goal. Some “underground” Catholic priests have indicated they are unwilling to accept the authority of bishops selected without Vatican approval. Newly nominated bishops seeking unofficial Papal approval frequently find themselves at odds with other church leaders, who are sympathetic to the central Government, and who insist that consecrations of new bishops be conducted by more senior bishops not recognized by the Vatican. Catholic priests in the official church also face dilemmas when asked by parishioners whether they should follow Church doctrine about government policy restricting the number of children per family. This dilemma is particularly acute when discussing abortion.

Further complicating relations between the Vatican and the Government is a dispute that began in January 2000, when the official Catholic Church consecrated five bishops without Vatican approval. This was followed by the Vatican’s canonization of 120 Chinese martyrs on October 1, 2000 (Chinese National Day), a move that angered the country’s leaders.

Authorities in some areas continued a concerted effort to crack down on the activities of unapproved Catholic and Protestant churches. Implementing regulations, provincial work reports, and other government and party documents continued to exhort officials to enforce vigorously government policy regarding unregistered churches. For example, Zhejiang Province has restrictive religious affairs regulations, that stipulate that “illegal” property and income would be confiscated from those who: “1) preside over or organize religious activities at places other than those for religious activities or at places not approved by a religious affairs department; 2) do missionary work outside the premises of a place of religious activity; and 3) sponsor religious training activities without obtaining the approval of a religious affairs department at or above the county level.” Authorities particularly targeted unofficial religious groups in Beijing and the provinces of Henan and Shandong, where

there are rapidly growing numbers of unregistered Protestants, and in Hebei, a center of unregistered Catholics. However, many small family churches, generally made up of family members and friends, that conduct activities similar to those of home Bible study groups, usually were tolerated by the authorities as long as they remained small and unobtrusive. Family churches reportedly encounter difficulties when their memberships become too large, when they arrange for the use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups.

There were many religious detainees and prisoners. In some cases, public security officials have used prison or reform-through-education sentences to enforce regulations. In Hebei, where perhaps half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Authorities detained underground Bishop Shi Enxiang on Palm Sunday in Beijing, although they later claimed he had been released. According to a Hong Kong human rights organization, in March 2000, 15 members of the China Evangelistic Fellowship were arrested while holding a service in Nanwang City, Henan Province. Two of the group's leaders, Jiang Qinggang and Hao Huaiping, reportedly faced reeducation-through-labor sentences. The director of the Government's RAB had labeled the fellowship publicly as a "cult" at the end of 1999. Roman Catholic Bishop Zeng Jingmu, released from a labor camp in 1998, reportedly was rearrested in Jiangxi in September 2000 during the visit of a high-ranking foreign Cardinal; the Government denied those reports. The whereabouts of Roman Catholic Bishop Su Zhimin, whose followers report that he was arrested in 1997, remained unclear although officials continued to claim that he was under no form of detention. Underground Catholic sources in Hebei claimed that he still was under detention, while the Government denied having taken "any coercive measures" against him. Reliable sources reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Quanjun remained under detention in Hebei. Underground Catholic Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted.

Some Protestant house church groups reported frequent police raids of worship services and detentions. Several leaders of the unregistered South China Church were arrested in July and subsequently sentenced to death; some of those sentences were suspended and some were appealed. Pastor Li Dexian was detained in April 2000 for 15 days, during which time he was forced into a crouch for 3 days, unable to sleep or use toilet facilities, with his wrists and ankles manacled together. Li also has been detained on other occasions and reported that in some instances he was beaten. In May 2000 seven evangelical Christians were arrested in Henan for violating the "Three Designates" policy that limits religious services to specific venues, requires leaders to preach only within specific areas, and fixes the number of persons permitted to preach. In August 2000, police arrested 130 members of a house church headquartered in Fangcheng City, Henan Province, after they held services with 3 foreign members of a Protestant fellowship organization. Authorities stated that the Fangcheng church was a "cult" that had been banned; the three foreign church members subsequently were released and deported. They reported being beaten while in custody. According to NGO reports, 85 of those arrested from the Fangcheng church were charged in August 2000 with crimes such as "using an illegal cult to obstruct justice."

Authorities also have conducted demolition campaigns against unregistered places of worship. In late 2000, in the central coastal city of Wenzhou, in Zhejiang province, officials razed or closed an unknown number of unregistered places of worship. In addition, local authorities destroyed thousands of local shrines dedicated to traditional folk religion. Although the campaign appeared to have been carried out at the initiative of local religious affairs officials, central government authorities did not criticize the action or take any measures to reprimand those responsible. Two persons who tried to stop a demolition were arrested and sentenced to 2 years of reform-through-education.

The increase in the number of Christians has resulted in a corresponding increase in the demand for Bibles. In 2000 one printing company—a joint venture with an overseas Christian organization—commemorated printing its 25 millionth Bible since its founding in 1987. The organization has printed Bibles in Braille and minority dialects, such as Korean, Jingbo, Lisu, Lahu, Miao, and Yao. Although Bibles can be purchased at some bookstores, they are not readily available and cannot be ordered directly from publishing houses by individuals. However, they are available for purchase at most officially recognized churches, where many house church members buy their Bibles without incident. Nonetheless, some underground Christians hesitate to buy Bibles at official churches because such transactions sometimes involve receipts that identify the purchaser. Foreign experts confirm reports of chronic

shortages of Bibles, mostly due to logistical problems in disseminating Bibles to rural areas. The situation has improved in recent years due to improved distribution channels, including to house churches. Customs officials continue to monitor for the “smuggling” of Bibles and other religious materials into the country. Also in July, authorities arrested Hong Kong businessman Li Guangqiang and charged him with smuggling for bringing Bibles into the country. There have been credible reports that the authorities sometimes confiscate Bibles in raids on house churches.

Religious groups that preach beliefs outside the bounds of officially approved doctrine (such as the imminent coming of the Apocalypse, or holy war) or that have charismatic leaders often are singled out for particularly severe harassment. Many groups, especially those in house churches, reportedly are viewed by officials as “cults.” Some observers have attributed the unorthodox beliefs of some of these groups to undertrained clergy. Others acknowledge that some individuals may be exploiting the reemergence of interest in religion for personal gain. Police continued their efforts to close down an underground evangelical group called the “Shouters,” an offshoot of a pre-1949 indigenous Protestant group. The Government also continued a general crackdown on other groups it considered cults. According to reports, the crackdown on the FLG in 1999 has led to a tightening of controls on all nonofficially sanctioned beliefs. Regulations require all qigong groups to register with the Government. Those that did not were declared illegal.

Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995 and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which has been restored as a museum. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis. The Church of Jesus Christ of Latter-Day Saints meets regularly in a number of cities, but its membership is strictly limited to the expatriate community.

The Government continued its harsh and comprehensive campaign against the FLG during the year. Since the Government banned the FLG in 1999, the mere belief in the discipline (and since January, even without any public manifestation of its tenets) has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Although the vast majority of practitioners detained since 2000 were released, those identified by the Government as “core leaders” have been singled out for particularly harsh treatment. More than a dozen FLG members have been sentenced to prison for the crime of “endangering state security,” but the great majority of FLG members convicted of crimes by courts since 1999 have been sentenced to prison for “organizing or using a sect to undermine the implementation of the law,” a less serious offense. However, most practitioners have been punished administratively. Although firm numbers are impossible to obtain, many thousands of individuals are serving sentences in reeducation-through-labor camps. Other practitioners have been sent to facilities specifically established to “rehabilitate” practitioners who refuse to recant their belief voluntarily.

According to the FLG, hundreds of its practitioners have been confined to mental hospitals. Police often used excessive force when detaining peaceful FLG protesters, including some who were elderly or who were accompanied by small children. During the year, there were numerous credible reports of abuse and even killings of FLG practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains). Various sources report that since 1997 approximately 200 or more FLG adherents have died while in police custody (see Section 1.a.).

FLG practitioners continued their efforts to overcome government attempts to restrict their right to free assembly, especially in Beijing. However, the number of protests by individuals or small groups of practitioners at Tiananmen Square decreased considerably during the period covered by this report (see Section 2.b.). Many attributed the decrease to the public outcry following the January 23 self-immolation of five FLG adherents on Tiananmen Square. This incident, captured on film by surveillance cameras, was aired in graphic detail on television. Others attribute the decline to the success of the Government crackdown on Falun Gong, which, by the end of the year, had essentially eliminated public manifestations of the movement. In August, four persons who organized the self-immolations were sentenced to prison terms from 7 years to life for assisting in the suicide attempts.

According to press reports, after the January 23 self-immolations, the Government launched a massive anti-FLG propaganda campaign and initiated a comprehensive effort to round up practitioners not already in custody, and sanctioned the use of high pressure indoctrination tactics against the group in an effort to force them to renounce the FLG. Neighborhood committees, state institutions (including univer-

sities), and companies reportedly were ordered to send all known FLG practitioners to intensive anti-FLG study sessions. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend such classes. Those who refused to recant their beliefs after weeks of intensive anti-FLG instruction reportedly were sent to reeducation-through-labor camps, where in some cases, beatings and torture were used to force them to recant their beliefs; some of the most active FLG practitioners were sent directly to reeducation-through-labor camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

Authorities also detained foreign practitioners. In November more than 30 foreigners and citizens resident abroad were detained in Beijing as they demonstrated in support of the FLG. They were expelled from the country; some credibly reported being mistreated while in custody. In November 2000, FLG practitioner and U.S. resident Teng Chunyan was tried on charges of providing national security information to foreigners, reportedly for providing information about the Government's crackdown on FLG. In December 2000, she was sentenced to 3 years of reeducation-through-labor. In November she recanted her allegiance to FLG on national television.

During the year, the authorities also continued a general crackdown on other groups considered to be "cults," often using the October 1999 decision to ban cults under Article 300 of the Criminal Law. Regulations require all qigong meditation and exercise groups to register with the Government. Those that did not were declared illegal. The Zhong Gong qigong group, which reportedly had a following rivaling that of Falun Gong, was banned in 2000 under the anticult application of the Criminal Law, and its leader, Zhang Hongbao, who resides abroad, was charged with rape, forgery, and illegal crossing of boundaries. Two leaders of other qigong groups also reportedly were arrested in 2000, and the Government banned the practice of qigong exercises on public or government property. This has created an atmosphere of uncertainty for many qigong practitioners, and there are reports that some qigong practitioners now fear practicing or teaching openly. In August police in Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion. There were reports that 14 unofficial Christian groups and a Buddhist organization (known as Guanyin Famin) were branded by the Government as "evil cults," as well. During the year, authorities and experts wrote many articles characterizing the rise of religious groups that failed to register and "cults" such as FLG as part of a plot by the West to undermine Chinese authority. In February, Zhang Xinying, vice chairman of the Chinese Society of Religious Studies, said that the rise of "cults" was due to the frequent abuse of the concept of "religious freedom" by "some people with ulterior motives." Senior leaders made similar comments, in the context of condemning FLG.

The Government teaches atheism in schools. The participation of minors in religious education is prohibited by regulation. However, enforcement varies dramatically from region to region, and in some areas large numbers of young persons attend religious services at both registered and unregistered places of worship.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement within the country and restricts the freedom to change one's workplace or residence. The Government's national household registration/identification card system, used to control and restrict the location of an individual's residence, is being liberalized and the ability of most citizens to move around the country to live and work continued to improve. However, the Government retained the ability to restrict freedom of movement through other mechanisms, and it increased restrictions during the year, especially before politically sensitive anniversaries and to forestall FLG demonstrations. The "floating population" of economic migrants leaving their home areas to seek work elsewhere in the country was estimated to be between 80 and 130 million. There also were a growing number of middle-class professionals attracted to large cities by hopes of better paying jobs in their fields. This itinerant population lacks permanent residence status, which is required for full access to social and educational services. Unless such persons obtain resident status, they generally must pay a premium for these services. However, some cities, such as Beijing, are offering some social services free of charge.

Prior to sensitive anniversaries, authorities in urban areas rounded up "undesirables," including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or persons with disabilities. These persons often were detained or expelled under custody and repatriation regulations or similar administrative regulations (see Sections 1.d. and 1.e.). There were reports of spot checks of identification docu-

ments, housing raids, and harassment of migrants at train and bus stations in Beijing during the year, particularly prior to the October 1 National holiday.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods or while foreign dignitaries visited the country.

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain inmates permission to return to their homes after serving their sentences. Those inmates sentenced to a total of more than 5 years in reeducation-through-labor camps on separate occasions also may lose their legal right to return home. For those assigned to camps far from their residences, this practice constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities reportedly have forced others to accept jobs in state enterprises where they can be monitored more closely after their release from prison or detention. Other released or paroled prisoners returned home but were not permitted freedom of movement. The authorities released former Zhao Ziyang aide Bao Tong in 1997, but continue to monitor his activities closely. Former senior leader Zhao Ziyang remained under house arrest, and security around him was tightened routinely during sensitive periods, such as the anniversary of the Tiananmen massacre and during the visits of important foreign leaders. Zhao has been allowed about one trip outside of Beijing per year.

Official poverty alleviation programs, and major state projects such as building the Three Gorges Dam and environmental or reforestation projects, include forced evacuation of persons to new residences.

The Government permits legal emigration and foreign travel for most citizens. Passports increasingly are easy to get. The Government continued to use political attitudes as criteria for selecting persons for Government-sponsored study abroad.

The Government did not control privately sponsored students, who constitute the majority of citizens studying abroad. There were some reports that academics faced travel restrictions around the year's sensitive anniversaries, especially June 4. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents. Business travelers who wish to go abroad can obtain passports relatively easily. Permission for married couples to travel abroad sometimes was conditioned on an agreement to delay childbirth. The Government continued efforts to attract persons who had studied overseas back to the country. Official media have stated in the past that persons who have joined foreign organizations hostile to the country should quit them before returning home and refrain while abroad from activities that violate the country's laws. Some FLG members reportedly had difficulty in obtaining passports during the year, but this does not appear to be a national policy.

There also were instances in which the authorities refused visas or entry on apparent political grounds. In May the Government prevented Dr. Gao Yaojie, who had exposed the cause of an AIDS epidemic in several villages, from traveling abroad to receive an award. International observers and human rights organizations reported that they could substantiate claims that border control stations keep background records of certain individuals who are to be denied entry. Authorities have denied these reports. Some foreign academics, who have published sensitive material, also continue to be denied visas.

The country has no law or regulation that authorize the authorities to grant refugee status, but the Government reportedly continues to draft working rules on granting such status. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos also resident in the country; the Government is less cooperative when dealing with some other refugees. The Government does not provide first asylum. However, since the late 1980's, the Government has adopted a de facto policy of tolerance toward the small number of persons—fewer than 100 annually—from other nations who have registered with the Beijing office of the United Nations High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to remain in the country while the UNHCR makes determinations as to their status and—if the UNHCR determines that they are bona fide refugees—while they await resettlement in third countries.

The Government has worked with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. Due to the stable situation in Vietnam of ethnic Chinese and the increasingly porous border between the two countries, very few Vietnamese have sought resettlement in China in recent years.

There were credible reports that North Korean migrants were forcibly returned to their homeland where many feared persecution. A family of North Korean refugees who sought shelter at the Beijing office of the UNHCR in June was allowed to leave China for resettlement in a third country.

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

Citizens lack the right to change their Government peacefully and cannot freely choose or change the laws and officials that govern them. Rural citizens vote directly for their local village committees, which are not considered to be government bodies, and among party-reviewed candidates for delegate positions in township and county-level people's congresses. However, people's congress delegates at the provincial level are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress. Although the CCP vets at least to some degree candidates for all elections above the village level, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the NPC is the highest mechanism of state power. Formally, it elects the President and Vice President, selects the Premier and Vice Premiers, and elects the Chairman of the State Central Military Commission. In practice, the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the CCP's Politburo Standing Committee. The NPC does not have the power to set policy or remove Government or party leaders. However, in some instances its actions have affected economic policy.

In general, the election and agenda of people's congresses at all levels remain under the firm control of the CCP, the paramount source of political authority. A number of small "democratic" parties that date from before the Communist takeover in 1949 play a minor consultative role and must pledge their allegiance to the CCP. The CCP retains a tight rein on political decision-making and forbids the creation of new political parties. The Government continued efforts to suppress the China Democracy Party, an organization that had attracted hundreds, perhaps thousands, of members nationwide since its founding in 1998. Public security forces have arrested nearly all of its most important leaders. Since December 1998, at least 30 core leaders of the CDP have been sentenced to long prison terms on subversion charges. In December 2000, CDP activists Wang Zechen and Wang Wenjiang reportedly were sentenced in Anshan to 6 years and 4 years in prison, respectively, on charges of subverting state power. The two were arrested in June 1999.

Despite CCP control of the Government, limited democratic decisionmaking at the local level continued to grow as the local village committee elections program expanded. However, many observers caution that the village election system is not necessarily a precursor for democracy at higher levels of Government, and village elections—as currently practiced—do not yet pose a counterweight to the implementation of unpopular central policies or the leading role of the Communist Party. The elected village committees are not part of the formal Government structure and have no formal constitutional role. The village committees have no power to tax, set fines or punishments independently, or hire or fire village enterprise managers. Nonetheless, most committees have the authority to mediate disputes between villagers, improve public order, and authorize small expenditures. The committees also carry out political work by serving as a channel of communication between villagers and the Government.

Under the Organic Law of the Village Committees, all of the country's approximately 1 million villages are expected to hold competitive, direct elections for sub-governmental village committees. A 1998 revision to the law called for improvements in the nominating process and improved transparency in village committee administration. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or party branches. There have been several township elections in the past few years.

According to the Ministry of Civil Affairs, the majority of provinces have carried out at least three or four rounds of village elections. Foreign observers who have monitored local village committee elections and have judged the elections they observed, on the whole, to have been fair. However, many villages have yet to hold truly competitive elections. The Government has estimated that a significant number of elections have serious procedural flaws; some reballoting occurs when irregularities are significant.

Candidates favored by local authorities have been defeated in some elections, although in general the CCP dominates the local electoral process, and roughly 60 percent of the members elected to the village committees are CCP members. In

many villages, villagers are given ballots with a space for write-in votes; in at least one case, a write-in candidate won. The final ballot is the culmination of an election process that includes government screening of candidates and an indirect vote that eliminates some candidates.

The Government places no restrictions on the participation of women or minority groups in the political process; however, the percentage of women in government and politics does not correspond to their percentage of the population. Women freely exercise their right to vote in village committee elections, but only a small fraction of elected members are women. The Government and Party organizations include approximately 12 million female officials out of 61 million Party members. Women constitute 21.83 percent of the National People's Congress. The 15th Party Congress elected 22 women to serve as members or alternates on the 193-person Central Committee, an increase over the total of the previous committee. However, women still hold few positions of significant influence at the highest rungs of the Party or government structure. One alternate member of the 22-member Politburo is a woman, and women hold 2 of 29 ministerial-level positions.

Minorities constitute 14 percent of the National People's Congress, although they make up approximately 9 percent of the population. All of the country's 56 nationalities are represented in the NPC membership. The 15th Party Congress elected 38 members of ethnic minorities to serve as members or alternates on the Central Committee, an increase over the total of the previous committee. However, minorities hold few senior Party or government positions of significant influence.

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

The Government does not permit independent domestic NGO's to monitor or to comment on human rights conditions. It is difficult to establish an NGO, and the Government tends to be suspicious of independent organizations; most existing NGO's are quasi-governmental in nature and are closely controlled by government agencies (see Section 2.b.). However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information is disseminated outside of the country through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy and the New York-based Human Rights in China. The press regularly prints articles about officials who exceed their authority and infringe on citizens' rights. However, the Government remains reluctant to accept criticism of its human rights record by other nations or international organizations and criticizes reports by other countries and international human rights monitoring groups, maintaining that such reports are inaccurate and interfere with the country's internal affairs. The Government still maintains that there are legitimate, differing approaches to human rights based on each country's particular history, culture, social situation, and level of economic development. The Government established the China Society for Human Rights, a "nongovernmental" organization whose mandate is not to monitor human rights conditions, but to defend the Government's views and human rights record.

The Government has active human rights dialogues with many countries, including Great Britain, France, Australia, Canada, Norway, Brazil, the United States, and Japan, as well as with the European Union (EU). However, the Government has not taken concrete steps to bring its human rights practices into compliance with international human rights instruments during the period in which the dialogs have taken place.

In May 2000, the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. Recommendations included defining torture in domestic law, abolishing administrative detention (including reeducation-through-labor), investigating promptly allegations of torture, and providing training courses on international human rights standards for police. Government officials noted that steps have been taken to address torture by officials, and acknowledged that problems remain in supervising the judicial system. In November 2000, the Government signed a Memorandum of Understanding (MOU) with the U.N. High Commissioner on Human Rights (UNHCHR) designed to help the country comply with the terms of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which the Government has signed but not ratified. Under the MOU, programs to be implemented include human rights education for judges, prosecutors, and police; other human rights education programs; the publication of reports; and fellowships for experts to study abroad. The Government indicated that the new U.N. Special Rapporteur on Torture would be welcome, but no agreement has yet been reached concerning a visit. The

Government did not allow the International Committee of the Red Cross to visit the country.

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

There are laws designed to protect women, children, persons with disabilities, and minorities. However, in practice, societal discrimination based on ethnicity, gender, and disability persists. The concept of a largely homogeneous Chinese society pervades the thinking of the Han majority.

Women.—Violence against women is a significant problem. Violence against women can be prosecuted under the law. There is no national law specifically targeting domestic violence, although amendments to the Marriage Law, adopted in April, are aimed in part at providing protection against spousal abuse. NPC members claim that most of the 33 changes to the Marriage Law were designed to support the rights of women and children. In recognition of the seriousness of spousal abuse, 13 provinces and provincial level cities have passed legislation to address the problem. Sociologists note that there has been no detailed research on the extent of physical violence against women. However, anecdotal evidence suggests that the reporting of domestic abuse is on the rise, particularly in urban areas, because greater attention has been focused on the problem. A July 2000 survey report by the All China Women's Federation (ACWF) found that violence occurs in 30 percent of families, with 80 percent of cases involving husbands abusing their wives. Actual figures may be higher because spousal abuse still goes largely unreported. According to experts, the percentage of households in which domestic abuse has occurred is higher in rural areas than in urban centers. The survey found that domestic violence occurs at all socioeconomic levels. According to ACWF research, 40 percent of the complaints it fielded in 2000 involved family violence, and 60 percent of divorces were due to family violence. According to some experts, many women do not report domestic violence to the police because, even when appropriate legislation exists, local law enforcement authorities frequently choose not to interfere in what they regard as a family matter. Nonetheless in two recent cases in Liaoning province, men successfully were prosecuted for severe cases of domestic violence. Despite an increasing awareness of the problem of domestic violence, there are no shelters for victims of domestic violence. Rape is illegal.

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, the intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion against women, including forced abortion and sterilization, to meet government goals (see Section 1.f).

According to some estimates by experts, there are 4 to 10 million commercial sex workers in the country. The increased commercialization of sex and related trafficking in women has trapped thousands of women in a cycle of crime and exploitation, and left them vulnerable to disease and abuse. According to the official Xinhua News Agency, one in five massage parlors in the country is involved in prostitution, with the percentage higher in cities. Unsafe working conditions are rampant among the saunas, massage parlors, clubs, and hostess bars that have sprung up in large cities. According to one estimate, there are 70,000 prostitutes in Beijing alone; other estimates have placed the number as high as 200,000 or more. Research indicates that up to 80 percent of prostitutes in some areas have hepatitis. Sexual transmission of HIV/AIDS is a growing concern. Although the central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far actions to crack down on this lucrative business, which involves organized crime groups and businesspersons as well as the police and the military, largely have been ineffective.

Trafficking in women and children and the kidnaping and sale of women and children for purposes of prostitution and/or marriage are serious problems (see Sections 6.c. and 6.f.).

There is no statute that outlaws sexual harassment in the workplace. The problem remains unaddressed in the legal system and often in society. There have been reports that due to the lack of legal protections and to women's increasing economic vulnerability, many victims of sexual harassment do not report it out of fear of losing their jobs. However, experts state that more women are raising their concerns about sexual harassment because of greater awareness of the problem.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Women's eco-

nomic and political influence has increased. Nonetheless, female activists increasingly are concerned that the progress that has been made by women over the past 50 years is being eroded and that women's status in society regressed during the 1990's. They assert that the Government appears to have made the pursuit of gender equality a secondary priority as it focuses on economic reform and political stability. Social and familial pressure also has grown for women to resume their traditional roles as wives and mothers. A recent study of how women are portrayed in the media revealed that images of a woman's worth increasingly are linked to her ability to attract a wealthy husband and be a good mother.

The Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. Efforts have been made by social organizations as well as the Government to educate women about their legal rights, and there is anecdotal evidence that women increasingly are using laws to protect their rights. For example, at Fudan University in Shanghai, the Women's Study Center with the support of Shanghai's labor union has established a hot line to inform workers, mainly women, of their legal rights.

Nevertheless, women frequently encounter serious obstacles in getting laws enforced. According to legal experts, it is very hard to litigate a sex discrimination suit because the vague legal definition makes it difficult to quantify damages. As a result, very few cases are brought to court. Some observers also have noted that the agencies tasked with protecting women's rights tend to focus on maternity-related benefits and wrongful termination during maternity leave rather than sex discrimination or sexual harassment. The structure of the social system also prevents women from having a full range of options. Women who seek a divorce face the prospect of losing their housing since government work units allot housing to men when couples marry.

Women have borne the brunt of the economic reform of state-owned enterprises. As the Government's plan to revamp state-owned enterprises is carried out, millions of workers have been laid off. Of those millions, a disproportionate percentage are women, many of whom do not have the skills or opportunities to find new jobs. Women between the ages of 35 and 50 were the most affected, and the least likely to be retrained. In addition female employees are more likely to be required to take pay cuts when a plant or company is in financial trouble. There have been reports that many women have been forced or persuaded into early retirement as well. Discriminatory hiring practices appear to be on the increase as unemployment rises. Increasingly companies discriminate by both sex and age, although such practices violate labor laws.

Many employers prefer to hire men to avoid the expense of maternity leave and childcare and some even lower the effective retirement age for female workers to 40 years of age (the official retirement age for men is 60 years and for women 55 years). Lower retirement ages have the effect of reducing pensions, which generally are based on years worked.

The law provides for equal pay for equal work. However, a recent Government survey found that women were paid only 70 to 80 percent of what men received for the same work. Most women employed in industry work in lower skilled and lower paid jobs.

According to the most recent figures, women made up approximately 70 percent of the country's illiterate population. A 1998 Asian Development Bank report estimated that 25 percent of all women are semi-literate or illiterate, compared with 10 percent of men; illiteracy in rural areas generally is higher. The Government's "Program for the Development of Chinese Women (1995-2000)" set as one of its goals the elimination of illiteracy among young and middle-aged women by the end of the century; however, this goal was not met.

A high female suicide rate is a serious problem. According to the World Bank, Harvard University, and the World Health Organization, some 56 percent of the world's female suicides occur in China (about 500 per day), a far higher percentage than the country's claim to 22 percent of the world's population. The World Bank estimated the suicide rate in the country to be three times the global average; among women, it was estimated to be nearly five times the global average. Research indicates that the low economic and social status of women is among the leading causes.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small percentage of the population that receives a university-level education. However, educators in the large cities have reported that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments women are beginning to

outnumber men—even in some graduate schools. Women with advanced degrees report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive and market driven.

Children.—The Constitution provides for 9 years of compulsory education for children, but in economically disadvantaged rural areas, many children do not attend school for the required period, if at all. Public schools are not allowed to charge tuition, but faced with revenue shortfalls since the central Government largely stopped subsidizing primary education in the early 1990's, many public schools have begun to charge mandatory fees. Such fees make it difficult for poorer families to send their children to school or send them to school on a regular basis. Some charitable schools have opened in recent years in rural areas, but not enough to meet demand. Children of migrant workers in urban areas also often do not attend school. Although they may be allowed to do so if they pay required school fees, these fees usually are higher for non-residents and often are more than their parents can afford. The Government campaign for universal primary school enrollment by 2000 (which was not met by year's end) has helped to increase enrollment in some areas. It also reportedly has led to school officials inflating the number of children actually enrolled.

An extensive health care delivery system has led to improved child health and a sharp decline in infant mortality rates. According to 1997 official figures, the infant mortality rate was 33 per 1,000 in 1996. According to UNICEF, in 1995 the mortality rate for children under 5 years of age was 47 per 1,000 live births.

Children reportedly are detained administratively in custody and repatriation centers, either for minor crimes they have committed or because they are homeless. Such children routinely are detained with adults, and may be required to work (see Sections 1.d, 1.e., and 6.c.).

Despite Government efforts to prevent kidnaping and the buying and selling of children, these problems persist in some rural areas (see Section 6.f.). There are no reliable estimates of the number of children trafficked. Domestically, most trafficked children are sold to couples unable to have children; in particular, boys are trafficked to couples unable to have a son. Children also are trafficked for labor purposes. Girls and women are trafficked and sold as brides.

The Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. However, according to the SFPC, only a handful of doctors have been charged with infanticide under this law. The law prohibits discrimination against disabled minors, and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution. Female infanticide, sex selective abortions, the abandonment of baby girls, and the neglect of baby girls remain problems due to the traditional preference for sons, and the family planning policy, which limits urban couples to one child and rural couples to two. Many families, especially in rural areas, have used ultrasound to identify female fetuses and to terminate pregnancies; however, no reliable statistics are available on the extent of the problem (see Section 1.f.). Estimates from previous years indicate that a very high percentage of pregnancies terminated are of female fetuses. Female babies also suffer from a higher mortality rate than male babies, contrary to the worldwide trend. Neglect of baby girls is one factor in their lower survival rate. One study found the differential mortality rates to be highest in areas where women have a lower social status, where economic and medical conditions are poor, and where family planning regulations are strictly enforced (although the correlation for this factor was weak).

Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. According to demographers in the country, currently there may be as many as 100 million more men than women. A part of the statistical gap may be attributable to female infanticide, but experts say that sex-selective termination of pregnancies, abandonment and neglect of baby girls, and underreporting of female births by couples trying to evade family planning laws to try to have a son are more significant factors (see Section 1.f.).

Child labor is a problem (see Section 6.d.).

According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of those eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The treatment of children in some orphanages has improved, especially with the increased attention created by foreign adoptions, but problems remain. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be high at many, especially among new arrivals. How-

ever, conditions in some other orphanages appear to be adequate, if Spartan. In recent years, some privately run orphanages (not funded by the State) have opened, in which conditions may be generally better for children. In areas where such orphanages operate, some state-run orphanages have exhibited a willingness to learn from them and to adopt some of their more modern practices.

The Government denies that children in orphanages are mistreated or refused medical care, but acknowledges that the system often is unable to provide adequately for some children, especially those who are admitted with serious medical problems. In an effort to address this problem, in 1998 the NPC revised the adoption law to make it easier for couples to adopt. The new law dropped a restriction that parents who adopt a child must be childless. It also allows for multiple adoptions and lowers the age at which couples are eligible to adopt. Since 1997, there have been credible reports of new construction, renovation, and improved care in some areas. Over \$30 million (248.4 million RMB) reportedly was allocated for this program.

Persons with Disabilities.—The Government has adopted legislation that protects the rights of the country's persons with disabilities. According to the official press, all local governments have drafted specific measures to implement the law. The press publicizes both the plight of persons with disabilities and the Government's efforts to assist them. The Government, at times in conjunction with NGO's such as the Lions Club International, sponsors a wide range of preventive and rehabilitative programs, including efforts to reduce congenital birth defects, treat cataracts, and treat hearing disorders. The goal of many of these programs is to allow persons with disabilities to be integrated into the rest of society.

However, reality for persons with disabilities lags far behind legal dictates, and many do not receive or have access to special assistance or to programs designed to assist them. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems. According to reports, parents of children with disabilities often are persuaded by doctors to place their children in large government-run institutions, often far from their parents, and in which care often is substandard. Those parents who choose to keep such children at home generally face difficulty in getting adequate medical care, day care, and education for them. Government statistics show that almost one-quarter of the approximately 60 million persons with disabilities live in extreme poverty. According to 1998 Government statistics, the unemployment rate for persons with disabilities is 26.7 percent, a decrease from the past, but still almost 10 times the official rate for the general population. The Government's strategy is to integrate persons with disabilities into the mainstream work force, but these efforts are running into a cultural legacy of discrimination and neglect. To date, the program has had little effect. Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their "gradual" implementation. Lax compliance with the law has resulted in only limited access to most buildings.

Deng Pufang, son of the late national leader Deng Xiaoping, is a paraplegic and heads the China Welfare Fund for the Handicapped and the China Disabled Persons' Federation (CDPF), government-affiliated organizations tasked with assisting persons with disabilities.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization.

In 1998 the Adoption Law was revised to loosen age restrictions on adoption. This change, which was intended to facilitate adoption, may have unintended consequences for children with special needs. In the past, individuals under the age of 35 could adopt only children with special needs. The minimum age for adopting a healthy child is now set at 30 instead of 35. Some observers worry that the law, which became effective in 1999, may eliminate the age-based incentive for the adoption of children with special needs.

Persons in urban areas who are mentally ill or disabled and are found on city streets can be detained administratively under custody and repatriation regulations, ostensibly for their protection (see Sections 1.d. and 1.e.). The conditions under which they are held in such centers reportedly are poor and they may be required to work.

National/Racial/Ethnic Minorities.—According to 1995 Government statistics, the total population of the country's 55 ethnic minorities was 108.46 million, or 8.98 percent of the total population. Most minority groups reside in areas they traditionally have inhabited, many of which are mountainous or remote. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations,

family planning, university admission, and employment. However, in some areas, ethnic minorities, especially those living in urban areas, have been subjected to pressure to limit births to the lower number allowed Han Chinese (see Section 1.f.). Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities face discrimination. Most of the minorities in border regions are less educated than the national average, and job discrimination in favor of Han migrants remains a serious problem. Racial discrimination is the source of deep resentment on the part of minorities in some areas, such as Xinjiang and Tibet. The Government does not openly recognize racism against minorities or tension among different ethnic groups as problems.

Government development policies have long been in place to improve minority living standards. However, real incomes in minority areas, especially for non-Han groups, remain well below those in other parts of the country, and minorities credibly claim that the majority Han Chinese have benefited disproportionately from Government programs and economic growth. Many development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Turkic majority of western Xinjiang. For example, there is evidence that official poverty alleviation programs and major state projects, such as building dams and environmental/reforestation projects, include the forced evacuation of persons (see Section 2.d.). Since 1949, central Government and economic policy have resulted in a significant migration of Han Chinese to Xinjiang. According to a Government white paper, in 1998 there were approximately 8 million Uighurs, 2.5 million other ethnic minorities, and 6.4 million Han in Xinjiang, up from 300,000 Han in 1949.

In many areas with a significant population of minorities, there are two-track school systems using either Mandarin Chinese or the local minority language. Students can choose to attend schools in either system. Originally designed to protect and maintain minority cultures, this divided education system places those graduating from minority schools at a disadvantage in competing for jobs in Government and business, which require good Chinese-language skills. Graduates of these schools typically need 1 year or more of intensive Chinese before they can cope with course work at a Chinese-language university.

The Communist Party has an avowed policy of boosting minority representation in the Government and the CCP, and minorities constitute 14 percent of the National People's Congress, which is higher than their percentage in the population. A September 1999 Government white paper reported that there were 2.7 million minority officials in the Government. According to Government statistics, there were 163,000 minority officials in the Inner Mongolia Autonomous Region. Minority officials constitute 23.3 percent of the region's total, exceeding the ratio of the minority population to Han Chinese in the region. Many members of minorities occupy local leadership positions, and a few have positions of influence in key local Party positions or at the national level. However, in most areas, ethnic minorities are shut out of positions of real political and economic power in minority autonomous regions.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued. Authorities have cracked down harshly on suspected Uighur nationalists and independent Muslim religious leaders. They also imposed tighter restrictions on political, civil, and religious freedoms. There were numerous reports during the year that Uighurs were being executed or sentenced to long prison terms for separatist activities.

In April, immediately after the start of the "strike hard" campaign, 25 political activists in Kashgar prefecture were arrested for allegedly conspiring to set up an "Eastern Turkistan Republic." Charges ranged from "endangering state security" to "illegally setting up an organization," although human rights groups state that no specific act committed by the group was mentioned. In Atush, Akqi, and Akto counties, 24 persons were sentenced publicly, including 2 sentenced to death, for "sabotaging public order and the social stability." Three Uighurs were sentenced in April for being members of the "1999 9th August disturbances" which actually was a demonstration in front of the local Communist party building to protest the arrest of an imam. In Aksu prefecture, 186 persons were arrested for offenses such as "endangering state security," and illegal religious publications were reportedly seized. In Urumqi, the capital, 8 persons accused of having endangered social stability were sentenced to prison terms of between 4 and 13 years. According to official accounts, by May the authorities were prosecuting over 3,000 cases and massive public sentencing rallies attended by more than 300,000 persons had been held throughout the region. In March 2000, a Xinjiang court sentenced Rebiya Kadeer, a prominent Uighur businesswoman and former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she

was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. Kadeer, her son, and her secretary were arrested while on their way to meet a visiting foreign delegation in 1999. Many foreign observers believe Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia in the United States. Many Uighurs have been detained for listening to RFA.

A campaign to stress ethnic unity and to condemn "splittism" and religious extremism that began in Xinjiang in 1997 continued. Authorities maintained tight control over "separatist activities," announced tightened security measures, and mounted campaigns to crack down on opposition during the year. Because the Xinjiang Uighur Autonomous Region Government regularly lists together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it is often unclear whether particular raids, detentions, arrests, or judicial punishments target those peacefully seeking their political goals or those engaged in violence.

Possession of separatist publications or audiovisual materials is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remains prohibited from publishing or from meeting with foreigners. A Uighur-language press exists in Xinjiang, but it has a very small circulation, and much of the population depends on market rumors for information.

According to some estimates, the migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in Urumqi to shift from 20 to 80 to 80 to 20, and is a source of Uighur resentment. By some estimates, 250,000 Han have moved into the region annually in the last few years. Han control of the region's political and economic institutions also has been a factor in the growth of tension. Although government policies have brought tangible economic improvements to Xinjiang, Uighurs maintain that Han receive a disproportionate share of the benefits. The majority of Uighurs are poor farmers, and 25 percent are illiterate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. However, in practice, workers are not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which is controlled by the Communist Party and headed by a key Party official, is the sole legal workers' organization. The ACFTU chairman is a member of the Standing Committee of the Central Committee of the Communist Party. The Trade Union Law gives the ACFTU control over the establishment and operation of all subsidiary union organizations and activities throughout the country, including approximately 500,000 enterprise-level unions. Independent unions are illegal. The Trade Union Law allows workers to decide whether to join official unions in their enterprises. There have been no reports of repercussions for the small percentage of workers in the state-owned sector who have not joined.

Although the ACFTU and its constituent unions have a monopoly on trade union activity, their influence over the workplace has diminished with the economic reforms of recent years. ACFTU unions have been relatively powerless to protect the tens of millions of members who have lost their jobs in recent years or, for those still employed, had their wages or benefits delayed or cut in the massive restructuring of state-owned enterprises. The unions have, however, provided benefits and reemployment assistance to affected workers.

The ACFTU also has had difficulty organizing in the country's rapidly growing private sector where union membership during the year was estimated to be less than 20 percent. The presence of Communist Party representatives in a small percentage of private enterprises, and of nonunion worker organizations in some state-owned enterprises has done little to alter the fact that the great majority of workers in the private sector have no official union representation. The ACFTU's loss of membership in the state-owned sector and its weakness in the private sector have reduced ACFTU membership from nearly 100 percent of the urban workforce during the height of the planned economy to approximately 50 percent (or 103 million) during the year, according to the ACFTU.

The existence of an enormous rural labor force—some 550 million out of a total labor force of about 750 million—also complicates the organization and protection of workers. Farmers do not have a union or any other similar organization. Of some 125 million rural residents working in township and village enterprises (TVE's), only a very small percentage are represented by a union. A "floating" migrant labor force of over 100 million has proven especially difficult to organize and protect. Some of these migrants gravitate to temporary or seasonal low-wage work in urban areas where their residence, under the country's registration system, often is tech-

nically illegal. Many migrants, including numbers of young women, are attracted to the burgeoning private sector where unions are few and where their desire to earn more than they can in rural areas makes them easy to exploit.

Faced with these difficulties, the ACFTU strongly supported major amendments to the Trade Union Law, passed by the NPC in October. The amended law gives the ACFTU clearer responsibility than previously to represent workers' interests first and foremost. The amendments also give union organizing activities in the private sector legal protection that previously was lacking. The amended law provides specific legal remedies against attempts by employers to interfere with these organizing activities or to punish union officials for failure to carry out official duties.

During the year, the Government maintained its longstanding rejection of illegal union activity. The amendments to the Trade Union Law did not change the official legal monopoly of the ACFTU. Moreover, when it ratified the International Covenant on Economic, Social, and Cultural Rights in February, the Government stated that it would apply the Covenant's provision for freedom of association in accordance with the country's actual conditions. This meant, in practice, a continuation of the legal prohibition on independent unions.

During the year, the Government, as in the past, took specific actions against illegal union activity, including the detention or arrest of labor activists. Li Wangyang, who had been released from prison in June 2000 after serving 11 years for organizing an independent union during the 1989 prodemocracy movement, was re-arrested during the year and sentenced to 10 years. Li was charged with "incitement to subversion of state power," an apparent reference to his attempt to publicize prison conditions through a hunger strike. In another prominent case, Cao Maobing, an electrician from Jiangsu Province, was detained in a mental facility late in 2000, allegedly for his attempts to form an independent union at a Jiangsu silk factory. Cao was held for more than 200 days, and released in July.

Other labor activists, detained in previous years, were reported still in detention at year's end. Observers report that Shanghai labor dissident Wang Miaogen, detained in 1996, was still being held in a psychiatric hospital. The list of labor activists reported as still being held also included Zhang Shanguang, Li Jiaqing, labor lawyer Xu Jian, Miao Jinhong, Ni Xiafei, Li Keyou, Liao Shihua, Yue Tianxiang, Guo Xinmin, He Zhaohui, and Liu Jingsheng.

In September, the Government released Yang Qinsheng, a prodemocracy activist who most recently had been jailed for demanding the right to form independent trade unions in an open letter to Government leaders.

Neither the Constitution nor the law provides for the right to strike. However, the amended Trade Union Law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers have interpreted this provision to offer at least a theoretical legal basis for the right to strike. Nonetheless, strikes as an element of workers' negotiating tactics remained virtually unknown during the year.

As the pace of economic change has accelerated, changing relationships between workers and management, growing unemployment, wage and benefit arrearages, and uncertainties about the viability of a new social safety net system have produced a growing number of labor disputes and spontaneous protests.

The rising trend of labor disputes and protests continued during the year. With media coverage strictly controlled, accurate statistics, especially of labor protests, have been impossible to obtain. Nonetheless, observers estimated that the number of protests during the year was greater than in 2000. In July thousands of coal miners in Jilin province reportedly protested nonpayment of wages by blocking a railway line. In June thousands of petrochemical workers in Beijing protested peacefully over anticipated workforce downsizing. In a few cases, workers took managers hostage, but were persuaded to end these standoffs peacefully. In general, however, it appears that most protests were short and nonviolent. With some reported exceptions, authorities generally responded with minimal force and refrained from detaining large numbers of participants. The Government also sometimes provided funds to alleviate wage or benefit arrearages in response to demonstrations.

The Labor law provides for mediation, arbitration, and court resolution of labor disputes. Under these procedures, cases are to be dealt with first in the workplace, through a mediation committee, then, if unresolved, through a local arbitration committee outside the workplace. If no solution is reached at this level, the dispute may be submitted to the courts. According to Ministry of Labor and Social Security (MOLSS) statistics, arbitration committees nationwide handled over 135,000 labor disputes in 2000, an increase of 12.5 percent over the previous year.

Observers differ over the effectiveness of these dispute resolution procedures in protecting workers' rights and interests. Workers are reported to have little trust in the fairness of workplace mediation. They have little say in the choice of medi-

ators. Moreover, unions that play a major mediation role are viewed as inclined to favor management. A 1999 ICFTU report contended that mediation efforts often are preferential to employers and largely are ineffective in advocating worker rights.

Workers appear to favor to arbitration over workplace mediation. While workers have little say in the choice of arbitrators and may look with suspicion on the local government role in the process, the majority of arbitration decisions have favored workers. In the view of some observers, this fact helps explain the rapid rise in the number of arbitration cases.

The country is a member of the International Labor Organization (ILO) and has ratified core ILO conventions prohibiting child labor and discrimination in remuneration for male and female workers. The Government has not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor. However, the Government has started to work closely with the ILO on programs in such areas as industrial relations, employment promotion, and occupational safety.

The International Confederation of Free Trade Unions (ICFTU) brought a complaint to the ILO against the Government in 1998, alleging the detention of trade unionists and violations of the right to organize. The Government denied the allegations in its official response to the ILO in March 1999. The ILO's governing body found the response inadequate and requested the Government to provide additional information. By the end of the year, the Government still had not replied to the request.

The ACFTU maintains active relations with international trade union organizations, and has established exchanges and cooperative relations with over 400 trade unions and international and regional trade organizations in over 130 countries and regions. In 2000, it received its first-ever visit from the head of the ICFTU. According to ACFTU officials, the ACFTU sent nearly 100 delegations overseas to meet and study with trade union counterparts during the year.

b. The Right to Organize and Bargain Collectively.—The Labor Law permits collective bargaining for workers in all types of enterprises. Collective contracts are to be worked out between the labor union (or worker representatives in the absence of a union) and management, and to specify such matters as working conditions, wage scales, and hours of work. The law also permits workers and employers in all types of enterprises to sign individual contracts, which are to be drawn up in line with the terms of the collective contract.

According to official statistics for 2000, 107 million urban workers out of a total estimated urban workforce of approximately 200 million were covered by individual or collective labor contracts. Of these, approximately 64 million were covered by 240,000 collective contracts. However, the majority of these contracts, reached under the auspices of ACFTU unions with state-owned enterprises, were not the products of genuine collective bargaining. Rather, they represented decisions made by enterprise managers, in consultation with the enterprise's Communist Party secretary and ACFTU representatives, on general working conditions and the division of a government-mandated total wage package.

Changing labor-management relations as the country moves toward a market system are creating pressures for collective bargaining that involves more genuine negotiations and takes workers' interests into greater account. The amended Trade Union Law speaks more specifically than before about unions' responsibility to bargain collectively on behalf of workers' interests. However, the development of genuine collective bargaining remained more potential than real during the year.

In the private sector, where official unions are few and alternative union organizations are unavailable, workers face substantial obstacles to bargaining collectively with management.

Workplace-based worker congresses are common. These congresses are supposed to be the vehicle for worker input into enterprise policies and for guiding union activities. However, many are little more than rubber stamps for deals predetermined by enterprise management, the union, and the Communist Party representative.

The amended Trade Union Law strengthens the longstanding prohibitions against antiunion discrimination by providing specific legal remedies for such actions (see Section 6.a.). The Law also specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. These provisions were aimed primarily at the private sector, where resistance to unions has been common. Antiunion activity is virtually unknown in the state-owned sector.

Laws governing working conditions in Special Economic Zones (SEZ's) are not significantly different from those in the rest of the country. Wages in the SEZ's and in the southeastern part of the country generally are higher for some categories of workers than in other parts of the country because high levels of investment have

created a great demand for available labor. As in other areas of the country, officials have admitted that some foreign investors in the SEZ's are able to negotiate "sweet-heart" deals with local partners that effectively bypass labor regulations. Some foreign businesses in the SEZ's have ACFTU-affiliated unions, and management reports positive relations with union representatives. One reason is that the ACFTU discourages strikes and work stoppages.

c. Prohibition on Forced or Compulsory Labor.—The law prohibits forced and bonded labor, but forced labor is a serious problem in penal institutions. Prisoners regularly work in prisons and reeducation-through-labor institutions. In some cases, prisoners work in facilities directly connected with the penal institution and, in some cases, in nonprison enterprises with which the institution contracts to provide prisoner labor. The economic benefits that penal institutions may receive from prisoners' work and the inconsistent application of standards of official accountability increase the chance that some prison labor may be coercive or even abusive.

Credible reports from international human rights organizations and the foreign press indicate that some persons in pretrial detention also are required to work. Inmates of custody and repatriation centers, who also have been detained administratively without trial, reportedly are required to perform labor while in detention, often to repay the cost of their detention. Most such inmates perform agricultural labor (see Sections 1.d. and 1.e.).

In 1992 and 1994, the U.S. and Chinese Governments signed agreements that allow U.S. officials, with the approval of the Government, to visit prison production facilities to check specific allegations that prisoners in these facilities have produced goods exported to the United States. Some, although not all, of these allegations claim that these goods were produced under conditions of forced labor. Since these agreements were signed, the Government's cooperation with U.S. officials has been sporadic, at best. Between 1997 and year's end, the Government allowed U.S. officials to conduct only one visit to a prison labor facility. At year's end, eight prison visit requests, some dating back to 1992, still were pending. The Government has taken the position that the reeducation-through-labor facilities are not prisons and has denied access to them under the prison labor agreements.

Most anecdotal reports contend that working conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the system's farms and in mines can be very harsh. As in many workplaces in the country, safety is a low priority. There are no comprehensive statistics for work-related deaths and injuries among prisoners. However, in May 39 prisoner-miners were killed in a coal mine flood in Sichuan Province in May.

Trafficking in women and children and the kidnaping and sale of women and children for purposes of prostitution are serious problems (see Section 6.f.).

The Government prohibits forced and bonded labor by children, and enforcement on balance is deemed to be effective (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children, but the Government has not adopted a comprehensive policy to combat child labor. The Labor Law specifies that, with a few strictly-supervised exceptions, "no employing unit shall be allowed to recruit juveniles under the age of 16," 2 years older than the ILO standard age of 14 years for developing countries. The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Laborers between the ages of 16 and 18 are referred to as "juvenile workers" and are prohibited from engaging in certain forms of physical work, including labor in mines.

The Government maintains, and it is generally believed, that the country does not have a widespread child labor problem. In October the Government convened an interagency commission to study the question of child labor. This and the fact that the commission's formation and mandate were publicly announced represented an apparent shift from the Government's previous reluctance to publicly discuss child labor or to engage in officially acknowledged study of the phenomenon. The commission's findings were not available by year's end and it was unclear whether the Government would release them publicly.

Of the country's approximately 300 million children, the number who are working in contravention of the law or ILO conventions is unclear. Local experts on child labor estimate that the number is in the tens of thousands and that the overwhelming majority of these children work at the behest of their families, especially in impoverished rural areas, to supplement family income. The existence of a large adult migrant labor force, often willing to work long hours for low wages, reduces the attractiveness of child labor for employers. Apart from agricultural work, child workers in rural areas appear to work primarily for Township and Village Enter-

prises (TVE's). In urban areas, they may take up such jobs as car washers, garbage collectors, and street vendors. Some academics suspect that coal mines, which often operate far from urban centers and out of the purview of law enforcement officials, also occasionally employ children.

Some students work in light industrial production while in school, apparently to raise operating funds due to inadequate government funding. In March an explosion at an elementary school in Jiangxi Province killed 42 persons, most of them school children. Local residents credibly claimed that fireworks, assembled by pupils in the school, caused the explosion. The Government initially denied this allegation but later implicitly acknowledged its accuracy. In the wake of the accident, the Jiangxi Provincial Education Department ordered all primary and secondary schools to conduct safety inspections, to limit outsiders' access to school facilities and to ensure that "production activities that might compromise the safety of teachers and students" were prohibited. In addition some local and provincial officials were dismissed.

Allegations of child labor in toy factories in Guangdong Province, made in 2000, remained unresolved. Provincial authorities declined to approve requests by foreign diplomats to speak directly with the individuals alleged to be involved. However, foreign companies that purchased these toys stated that their internal investigations did not bear out the allegations. In Shanghai, labor officials confirmed in August that a knitting company had employed underage workers. According to these officials, all of the young persons were returned to their hometowns and the company was fined from \$360 to \$600 (3,000 to 5,000 RMB) for each underage worker employed.

The Government has not ratified ILO convention 182 on the worst forms of child labor. The Government also has not made a public statement on the eradication of such labor or established a national program with that objective. Forced and bonded labor by children is prohibited, and enforcement is believed, on balance, to be effective (see Section 6.c.). There have been some reports of trafficking in children for the purposes of labor. However, this problem appears to be of considerably less magnitude than trafficking of children for purposes other than labor. Children trafficked to work usually are sent from poorer rural areas to relatively more affluent interior areas or large cities; traffickers reportedly often entice parents to relinquish their children with promises of the large remittances that their children will be able to send back to them. Many such children work in small factories. Rising school tuition fees and declining rural incomes discourage many rural parents from keeping their children, especially girls, in school beyond the fourth grade and make such offers more attractive. The children's remittances, along with bribes paid by traffickers to authorities, have made investigation into the scope of the problem difficult. In 2000 the media gave unprecedented coverage to illegal child labor cases, fueling concerns in nongovernment circles that child labor was a bigger problem than acknowledged by the Government.

Local government officials in Yunnan province and the All China Women's Federation have joined the Mekong Sub-Regional Project to Combat Trafficking in Children and Women, sponsored by the ILO and other U.N. agencies, to reenroll former child workers in school.

e. Acceptable Conditions of Work.—The Labor Law provides for broad legal protections for workers on such matters as working hours, wages, and safety and health. The amended Trade Union Law strengthens the authority of unions to protect workers against violation of their contractually-agreed wages, and hours of work, and against unsafe working conditions, and violations of women's or minors' special rights. The Law on the Prevention and Treatment of Occupational Diseases, passed during the year, clarifies responsibilities for work-related illness and specifies specific penalties for violation of the law. The draft of a national Occupational Safety Law was completed, with officials anticipating passage by mid-2002. Although a more comprehensive structure of national laws setting standards for work conditions is being created, enforcement of these laws is a problem.

There is no national minimum wage. The Labor Law allows local governments to determine their own standards on minimum wages. In general, local governments set minimum wage levels higher than the levels they set for the local minimum standard income, but lower than the current wage level of the average worker. Minimum wages usually are sufficient to provide a decent standard of living for a worker and family. However, in the private sector, legislated norms often conflict with the desire of firms to minimize production costs. Widespread official corruption, and localities' concerns to attract and keep tax paying, job-producing enterprises that might otherwise locate elsewhere, may undercut enforcement of minimum wage and other protections for workers.

The national Labor Law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour rest period weekly. It also prohibits overtime work in excess of 3 hours per day or 36 hours per month. The Labor Law also sets forth a required percentage of additional pay for overtime work. However, these standards regularly are violated, especially in the private sector, and particularly in enterprises that can rely on a vast supply of low-skilled migrant labor. Media reports note that in many industries, including textile and garment manufacturing, compulsory overtime is common, often without legally mandated overtime pay. There also are media accounts of workers being prevented from leaving factory compounds without permission.

Occupational health and safety remain serious problems. The poor enforcement of occupational health and safety regulations continues to put workers' lives at risk. Working conditions in the private sector often are poor. Recognizing this, the Government during the year created a new State Administration for Work Safety (SAWS), which it joined with the State Administration for Coal Mine Safety Supervision (SACMSS), established in 2000. In setting up SAWS/SACMSS, the Government shifted the responsibility for work safety from the State Economic and Trade Commission, which also had business promotion responsibilities, to an agency solely dedicated to work safety. SAWS has 2,950 employees in 9 departments and 68 field offices around the country. At the local level and at the actual mine sites, however, national policies are enforced by local authorities, making consistent administration of directives problematic. The Government announced its intention to increase the number of workers covered under a new work-injury insurance system from the 42 million workers covered at the end of 2000 to 50 million at the end of the year.

Despite the Government's efforts, workplace health and safety did not improve significantly during the year, and there continued to be a high rate of industrial accidents. During the year, according to SAWS/SACMSS officials, approximately 12,000 workers were killed in industrial and mine accidents, comparable to the previous year's figure of 11,681. Coal mining continued to be by far the most dangerous sector, with approximately 6,000 deaths. A SAWS/SACMSS official estimated that one-tenth of the world's work-related deaths occur in the country (this figure includes work-related traffic deaths, which brings the acknowledged work-related death total to approximately 80,000).

These official statistics almost certainly underestimate the real scope of workplace accidents. Informed observers contend that actual workplace deaths and injuries are significantly higher than official statistics report. Investigations into workplace accidents in Guangdong province and Shenzhen municipality in 2000 and other evidence of national trends support the contention of these observers. According to SAWS, there were 75 major mining accidents (those with 10 or more deaths) through October, and 82 accidents in 2000. Industrial accident statistics for Shenzhen and Guangdong, which have been reported by the local and foreign media, suggest that official national statistics may be understated. According to press reports in April 2000, an investigation by Workers' Daily found that 15,000 serious accidents occurred in Shenzhen's 9,582 factories in 1999. The investigation also found that on average 31 workers per day were injured in work related accidents that left them permanently disabled and that 1 worker died as a result of work related accident every 4½ days. The China Machinery Daily reported in 1999 that there were over 20,000 cases of industrial injuries per year in Guangdong. Enterprise owners and managers may fail to report, or may even hide, accidents or health incidents. Local officials, whether because of corruption, protection of the local economy, or protection of their own jobs, often underreport incidents.

The high rate and seriousness of coal mining accidents has highlighted serious enforcement problems in that sector. The Government, in recent years, has shut tens of thousands of small coal mines, and during the year announced tougher mine inspection and closure standards. Nonetheless, some of the worst mining accidents occurred in mines that had reopened illegally after being officially closed.

Observers attribute the enforcement problem in the coal mining sector primarily to corruption and to powerful economic interests in sustaining what is often the main employer in the small localities where many of the most dangerous mines are located. The extraordinarily wide distribution of small coal mines (which account for approximately 20,000 of an estimated 25,000 mines) and the paucity of inspectors also hinder enforcement in the coal-mining sector. In localities and at the actual mine sites, national policies are enforced by local authorities, making consistent administration of directives problematic.

In other sectors, less than half of rural enterprises meet national dust and poison standards. Many factories that use harmful products, such as asbestos, not only fail to protect their workers against the ill effects of such products, but also do not inform them about the hazards.

In small but apparently growing numbers, workers and lawyers have begun to utilize lawsuits to pursue claims, especially work injury or illness claims, against employers. The most prominent set of cases has been brought by a lawyer based in Shenzhen Province, Zhou Litai, on behalf of workers injured on the job. However, in December Shenzhen authorities contended that Zhou was not authorized to practice law in that city, casting doubt on the immediate fate of his pending cases and practice.

In October 192 workers in Zhejiang Province won the country's first class-action suit against two engineering companies for failing to protect them adequately from silicon dust. Ten of the workers already have died from silicosis and the rest have contracted the disease. A court awarded \$27,400 (226,800 RMB) for each death and awards from \$4,700 (38,960 RMB) to \$47,050 (389,600 RMB) for those still ill.

f. Trafficking in Persons.—The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking are serious problems. The country is both a source and destination country for trafficking in persons. Most trafficking is internal for the purpose of providing lower-middle income farmers with brides or sons, but a minority of cases involve trafficking of women into forced prostitution in urban areas, and some reports suggest that some victims, especially children, are trafficked for the purpose of forced labor (see Section 6.d.).

Most trafficking in the country is internal. Some experts, including the UN Convention in the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee, have suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) has created a situation in which the demand for marriageable women cannot be met by local brides, thus fueling the demand for abducted women. Others have suggested that the problem is exacerbated by the tendency for many village women to leave rural areas to seek employment and by the tradition that requires that expensive betrothal gifts be given to women. The cost of betrothal gifts may exceed the price of a bride and thus makes purchasing a bride more attractive to poor rural families. Some families address the problem of a shortage of women by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished. According to reports, many of the kidnappings also occur in provinces where the male to female ratio is generally balanced. Ethnic minority women are disproportionately trafficked, although it is unclear whether this is due to the disproportionate poverty of their regions.

According to UNICEF reports, most domestic trafficking flows from the country's poorer areas in south or southwest to more developed regions in the north or northeast, or along the coast.

There were reports that women from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. A small number of persons from Laos are trafficked to China. Vietnamese women are trafficked to China for sexual exploitation and arranged marriages. Burmese adults are trafficked to China. Trafficking of North Korean women into the country to become brides or to work in the sex industry reportedly is common in the northeastern part of the country. Many such women, unable to speak Chinese, are virtual prisoners. Some if not many of the Korean women are sold against their will to rural men—in both ethnic Korean and ethnic Han areas—who have difficulty finding wives in their home villages. According to press reports, North Korean brides were sold for the equivalent of between \$38 and \$150. Others end up working as prostitutes.

Citizens are trafficked from the country for sexual exploitation and indentured servitude in domestic service, sweatshops, restaurants, and other services. There are reports that citizens are trafficked to Belgium, Burma, Canada, Hungary, Italy, Japan (illegal immigrants held in debt bondage), Malaysia, the Netherlands (for sexual exploitation), North America, Singapore, Sri Lanka (for sexual exploitation), Taiwan, and the United Kingdom (for sexual exploitation).

A large number of citizens are trafficked through Hong Kong to the United States, Europe, and other regions.

Most trafficked Chinese women in Malaysia are from the coastal areas of Guangdong and Fujian provinces, and Shanghai municipality; they were trafficked by ethnic Chinese gangs. Most Chinese women trafficked to Australia reportedly come from Shanghai, Hong Kong, and Guangzhou (Guangdong province).

In February a Singapore court jailed for 30 months a man who trafficked 4 women from China to be waitresses on a Singapore-based cruise ship. The young

women were forced to work as prostitutes on the ship after their arrival. Authorities in Italy reported in 2000 that an estimated 30,000 illegal Chinese immigrants work in sweatshop conditions outside of Florence, with many children working alongside their parents in the production of scarves, purses, and imitations of various brand name products.

Alien smuggling rings often have ties to organized crime, and are international in scope. Persons trafficked by alien smugglers may pay high prices for their passage to other countries, where they hope that their economic prospects may improve. There were reports that some pay between \$30,000 to \$50,000 (248,000 to 410,000 RMB) each for their passage. Many such persons quickly find themselves working in situations akin to indentured servitude. Upon arrival, many reportedly are forced to pay their debt to the traffickers by working in specified jobs for a set period of time. They often are forced to pay charges for living expenses out of their meager earnings, as well. The conditions under which these trafficked persons must live and work generally are poor, and they may be required to work long hours. The smuggling rings that trafficked them often restrict their movements, and their travel documents, which are often fraudulent, frequently are confiscated. Victims of trafficking face threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protest the situation in which they find themselves.

Persons who are trafficked from the country and then repatriated may face fines for illegal immigration upon their return; after a second repatriation, persons may be sentenced to a term in a reeducation-through-labor camp. Alien smugglers are fined \$6,000 (50,000 RMB) and may be sentenced to up to 3 years in prison, although some have been sentenced to death.

Kidnaping and the buying and selling of children continue to exist, especially in poorer rural areas (see Section 5). There are no reliable estimates of the number of children trafficked. Domestically most trafficked children are sold to couples unable to have children; in particular, boys are trafficked to couples unable to have a son. Children also are trafficked for labor purposes. Children trafficked to work usually are sent from poorer interior areas to relatively richer areas. Traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them. In an effort to gain a degree of control over this problem, in mid-2000, the Government began to use DNA technology to confirm parentage, and the Chinese Ministry of Public Security reportedly has invested millions of dollars to establish a national DNA databank.

In April 2000 the Ministry of Public Security, along with the All China Women's Federation and other departments, launched a campaign against trafficking in women and children. The official media reported that 110,000 women and 13,000 children who had been trafficked were rescued during the campaign; some were trafficked for purposes of prostitution, and others for labor. According to press reports, at least eight persons convicted of trafficking women and children for prostitution were executed during the campaign. At least seven others were sentenced to long prison terms. The Government also established a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Nongovernmental experts observed that the national campaign against trafficking focused primarily on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the All China Women's Federation.

Despite Government efforts to crack down on trafficking in women and children, the present demand far outstrips the available supply, making trafficking a profitable enterprise for those willing to risk arrest and prosecution.

The Government continues to struggle with the pervasive problem of official corruption, as demonstrated by the prosecution and sentencing of roughly 18,000 officials on corruption-related charges in 2000. There have been foreign reports of complicity of local officials in the related problem of alien smuggling, as well as reports of the complicity of local officials in prostitution, although there are no specific ties to trafficking. Disregard of the law has also manifested itself at the village level, which falls below the lowest level of formal government, where village leaders have in some cases sought to prevent police from rescuing women who have been sold as brides to villagers.

Agencies involved in combating trafficking include the Ministry of Public Security, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council.

Many victims of domestic trafficking are given assistance and returned to their homes. The central Government has provided funds to provincial and local police to house victims and return them to their homes. Government-funded women's federa-

tion offices have provided counseling on legal rights for some victims, including the options for legal action against the traffickers. The All China Women's Federation assists victims in obtaining medical and psychological treatment.

Although the central Government and various provincial and local governments have attempted to crack down on the sex trade and thus on one type of trafficking, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far, actions to stop this lucrative business largely have been ineffective.

UNICEF trains law enforcement personnel working with trafficking victims.

During the year the Government continued to conduct public education campaigns against trafficking as a preventive measure. The campaigns included speeches by national and provincial leaders, newspaper articles, and television programs. In addition, the Government-funded AWCF and its subsidiary women's federations at the provincial level conducted educational activities, including street counseling and cultural contests. In some cities, signs in bus and train stations warn women of potential dangers; police in the stations have been trained to look for women who may be traveling against their will. The Government also established a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Non-governmental experts observed that the national campaign against trafficking focused primarily on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the All-China Women's Federation.

TIBET

(The United States recognizes the Tibet Autonomous Region (TAR)—hereinafter referred to as "Tibet"—to be part of the People's Republic of China. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

Respect for the Integrity of the Person.—The Chinese Government strictly controls access to and information about Tibet, making it difficult to determine accurately the scope of human rights abuses. However, according to credible reports, Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views. The tight controls on religious expression that were imposed in 2000 were enforced less strictly during the year, but the overall level of repression of religious freedom in Tibet remained high and the Government's record of respect for religious freedom remained poor. Activities viewed as vehicles for political dissent, including celebration of some religious festivals, were not tolerated and were quickly and forcibly suppressed. Individuals accused of political activism faced ongoing and serious harassment and abuse during the year. There were reports of the death of political prisoners as well as the imprisonment and abuse or torture of nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days, and particularly during ceremonies surrounding the 50th anniversary of the "Peaceful Liberation of Tibet" in the summer. There were reports of small-scale political protests by ethnic Tibetans in a number of ethnic Tibetan areas, including outside the TAR.

During the year, there were accounts of prisoner deaths from abuse, either while in detention or soon after release. According to the Tibet Information Network (TIN), the prisoner death rate among Tibetans is 1 in 46; deaths of at least 41 Tibetan political prisoners since 1989 can be attributed to severe abuse under detention; at least 20 of these prisoners had been in Lhasa's Drapchi prison. Ngawang Lochoe (also known as Dondrub Drolma), a 28-year-old nun at Sandrup Dolma Lhakang temple, reportedly died in February after serving 9 years of a 10-year sentence for participating in "counterrevolutionary propaganda and incitement". She died the same day that she was moved to a hospital from Drapchi Prison, reportedly from respiratory and heart failure.

According to recent information, a monk from Lhasa's Jokhang Temple, Penpa, died in late 1999 or early 2000 soon after being released on medical parole from the Trisam reeducation-through-labor center. He had been detained for displaying a Tibetan flag in front of the Jokhang. TIN reported that monk Konchog Dawa died in January, while under detention at the Shigatse Prefectural Detention Center. He was detained after illegally entering China from Nepal. Suicides of Tibetan prisoners have been reported.

There are many credible reports that prisoners are tortured and mistreated. Authorities use electric shocks, suspension in painful positions, and other forms of tor-

ture or abuse. TIN reported severe beatings of several nuns serving long prison sentences, including Ngawang Choezom and Phuntsog Nyidrol, imprisoned in 1989 for singing proindependence songs. Government officials stated that because Phuntsog Nyidrol has shown repentance, her sentence has been reduced by one year. She is scheduled to be released in 2005. Nun Ngawang Sangdrol, who was imprisoned at age 13, released 9 months later and resented at age 15, also reportedly was beaten severely on multiple occasions and held in solitary confinement for an extended period. Her prison sentence was extended for a third time in late 1998 to a total of 21 years for her involvement in prison demonstrations, most recently in May 1998. Ngawang Sangdrol's health continues to be poor, despite government officials' assertions that she is well. Prisoners who resisted the political reeducation imposed by prison authorities, particularly demands to denounce the Dalai Lama and accept Gyaltzen Norbu, the boy recognized by the Government as the Panchen Lama, also reportedly were beaten.

In February 1999, TIN and the foreign press reported increased use of military-style drills and exercises (often in either very hot or very cold weather) at Lhasa's Drapchi prison. Prison officials reportedly force prisoners to run barefoot, to stand motionless for extended periods, and to march for extended periods while shouting patriotic slogans. Prisoners also were treated harshly in other prisons. According to credible reports, Chadrel Rinpoche, who was accused of betraying state secrets while helping the Dalai Lama choose the 11th reincarnation of the Panchen Lama, has been held in a Sichuan prison where he is separated from other prisoners, denied all outside contacts, and restricted to his cell. Although he was thought to be scheduled for release in May (6 years from the time of his initial detention), the Government told foreign officials in February that he would not be released until January 2002. The Government confirmed that Chadrel Rinpoche was being held in a Sichuan prison and that he was in "good health."

Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was incarcerated in a facility near Chengdu in Sichuan Province throughout the year. According to government officials, he suffered from a variety of ailments, including digestive, urinary, kidney, and liver problems.

At least three staff members of the Gyatso Children's Home, a Lhasa orphanage that was closed by officials in September 1999, remained in detention, reportedly charged with "endangering national security." No further information was available on the details of these cases.

Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation. A majority of judges are ethnic Tibetans, but most have little or no legal training. Authorities are working to address this problem through increased legal education opportunities. Trials are brief and are closed if issues of state security are involved. According to a 2000 TIN report, the length of the average sentence of Tibetan political prisoners is increasing. Since 1987 the average sentence imposed on all Tibetan political prisoners was 4 years, 9 months. However, the average sentence of all Tibetan political prisoners still in detention in 2000 was 8 years, 8 months. Authorities report that courts handle approximately 20 cases involving crimes against state security each year, for which maximum prison sentences are 15 years for each count, not to exceed 20 years in total. Such cases mainly concern actions in support of Tibetan independence, and such activities do not have to be violent to be illegal. Reportedly 72 percent of female detainees are nuns, and approximately 74 percent of male prisoners are monks.

The lack of independent access to prisoners or to prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners. According to TIN, approximately 200 Tibetan political prisoners are detained in China, a majority of whom are monks and nuns imprisoned in the TAR. Officials from the Justice and Prison Administration Bureaus told a foreign delegation in April 2000 that of the 2,200 prisoners currently serving sentences in the TAR (76 percent of whom were ethnic Tibetan, and 20 percent ethnic Han), 110 were incarcerated for "endangering state security," including approximately 30 nuns and 70 monks, over 90 percent of whom were incarcerated for "endangering state security."

Promotion of family planning remains an important goal for the authorities in Tibet, but family planning policies permit most ethnic Tibetans, as well as other minority groups resident in the TAR, to have more children than Han Chinese (who are subject to the same limits as citizens in other areas of the country). Urban Tibetans are permitted to have two children, while those in rural areas often have three or more. In practice Tibetans working for the Government, especially Communist Party members, are pressured to limit themselves to one child.

The Government tightly controls foreign travel to Tibet, requiring individual travelers to secure permits for entry to the TAR. Movement within the TAR also is controlled tightly. Official visits are supervised closely and afford delegation members very few opportunities to meet local persons not previously approved by the local authorities. Foreigners, including international NGO personnel and foreign residents, were subject to increased scrutiny and travel restrictions during several periods over the year. The Government also placed restrictions on the movement of ethnic Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were numerous reports of arbitrary detention of persons, particularly monks, returning to Tibet from Nepal. In many cases, detentions lasted for several months, although in most cases no charges were formally brought.

Some foreign NGO's reported restrictions on their activities and, in some cases, threats of expulsion. One foreign NGO, which was shut down in 2000, has not yet been allowed to reopen.

Forced labor reportedly is used in some prisons, detention centers, reeducation-through-labor facilities, and at worksites where prisoners are used as workers. Prisoners at many sites receive some remuneration, and can earn sentence reductions by meeting or exceeding work quotas.

Chinese law mandates that prisoners can be required to work up to 12 hours per day, with one rest day every 2 weeks (Article 53 of the Statute of Reform Through Labor). However, some refugees report that work requirements are more onerous than those set forth in the law. At Drapchi prison male prisoners reportedly work in vegetable fields and in factories at the prison. Female prisoners clean toilets and also are involved in tailoring, cleaning, or spinning and sorting wool to be used in the manufacture of carpets and sweaters. According to Human Rights Watch, some Tibetan prisoners are required to work beyond their terms of imprisonment. Some prisoners in pretrial detention also are forced to work.

Freedom of Religion.—The Government maintains tight controls on religious practices and places of worship. While it allows many types of religious activity in Tibet, the Government does not tolerate religious manifestations that it views as advocating Tibetan independence or any expression of separatism, which it describes as “splittism.” The Government remains suspicious of Tibetan Buddhism in general because of its links to the Dalai Lama, and this suspicion also applies to Tibetan Buddhist religious adherents who do not explicitly demonstrate their loyalty to the State. Repression of religious freedom in Tibet reached severe levels during the summer of 2000, with tight restrictions imposed on lay practices. However, these restrictions were not enforced as strictly by the end of 2000. The overall level of religious repression in Tibet remained high, and the Government's record of respect for religious freedom remained poor during the year. Activities viewed as vehicles for political dissent, including celebration of some religious festivals, were not tolerated and were quickly and forcibly suppressed. The Government harshly criticized the Dalai Lama's political activities and leadership of a “government-in-exile.” The official press continued to criticize vehemently the “Dalai clique” and repeatedly described him as a separatist who was determined to split China. Both central government and local officials often insist that dialog with the Dalai Lama is impossible and claim that his actions belie his repeated public assurances that he does not advocate independence for Tibet. Nonetheless, the Government asserts that it is willing to hold talks with the Dalai Lama as long as he ceases his activities to divide the country, recognizes that Tibet is an inseparable part of China, and that Taiwan is a province of China. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except illegally in many parts of the TAR.

Following the conclusion of the “patriotic education” campaign begun in the mid-1990s, the Government declared “success” in increasing its control over the Tibetan Buddhist establishment. Political education activities in monasteries continued at many sites throughout the region, though at a lower level of intensity.

Official “work teams” continued to periodically visit monasteries to conduct required sessions on such topics as relations between Tibetans and Han Chinese, Tibet's historical status as a part of China, and the role of the Dalai Lama in attempting to “split” the country. According to regulations posted at the entrances of many monasteries, monks are required to be “patriotic,” and authorities require monks to: Sign a declaration agreeing to reject independence for Tibet; reject Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th reincarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and not listen to the Voice of America. Monks who refused these terms risked expulsion from their monasteries; others were forced to leave their monasteries after failing to pass exams on these topics or being found “politically unqualified;” others

leave “voluntarily” rather than denounce the Dalai Lama. Many monks and nuns who attempt to protest peacefully or refuse to abide by rules imposed by government authorities in Buddhist monasteries are subject to detention.

Ongoing political education requirements are resented deeply by monks, nuns, and lay Buddhists. Although there has been some reduction of patriotic education activities throughout the region as the objectives of increasing control over the monasteries and reducing the numbers of monks and nuns were achieved, many monasteries and nunneries were disrupted severely, and monks and nuns have fled to India to escape the campaigns. Historically, up to 3,000 Tibetans enter Nepal each year to escape conditions in Tibet, according to the U.N. High Commissioner for Refugees; many of these refugees claim that they left because of the “patriotic education” activities.

Chinese authorities closely associate Buddhist monasteries with proindependence activism in Tibet. The Government has moved to curb the proliferation of monasteries, which it contends are a drain on local resources and a conduit for political infiltration by the Tibetan exile community.

Chinese officials state that Tibet has more than 46,300 Buddhist monks and nuns and some 1,787 monasteries, temples, and religious sites. These numbers apply only to the TAR; thousands of monks and nuns live in other ethnic Tibetan areas of China, including parts of Sichuan, Yunnan, Gansu, and Qinghai Provinces. Officials have used these same figures for several years, although there are credible reports that the numbers of monks and nuns have dropped significantly at many sites in the TAR, especially since the beginning of the “patriotic education” campaign in the mid-1990s. According to a TIN report, the number of monks and nuns in some monasteries and nunneries fell in 2000, as part of an effort to restrict religious observance. The Government states that there are no limits on the number of monks in major monasteries, and that each monastery’s democratic management committee decides on its own how many monks the monastery can support. However, these committees are government controlled; in practice the Government generally imposes strict limits on the number of monks in major monasteries. Some monasteries reportedly have been required to decrease the number of monks associated with them. In June Chinese authorities ordered thousands of monks and nuns to leave the Serthar Tibetan Buddhist Institute located in the Ganze Tibetan Autonomous Prefecture in Sichuan Province (also known as the Larung Gar monastic encampment). The Government maintained that the facility, which housed the largest concentration of monks and nuns in the country, was reduced in size for sanitation and hygiene reasons. Foreign observers believed that the authorities moved against the Institute because of its size and the influence of its charismatic founder, Khenpo Jigme Phuntsok. At year’s end, Khenpo Jigme Phuntsok had not returned to the Institute.

The Government has the right to disapprove any individual’s application to take up religious orders, although it does not uniformly exercise this right. Although by regulation monks are prohibited from joining a monastery prior to the age of 18, many younger boys continue the tradition of entering monastic life. However, in some areas many young novices, who traditionally served as attendants to older monks while receiving a basic monastic education and awaiting formal ordination, have been expelled from monasteries in recent years for being underage. The fact that these novices were not regular members of the monasteries has allowed authorities to deny that there has been a significant decline in the numbers of monks.

Most Tibetans practice Buddhism to some degree. This holds true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 religious figures hold positions in local people’s congresses and committees of the Chinese People’s Political Consultative Conference. The Government continues to insist that party members adhere to the Party’s code of atheism. A 3-year drive to promote atheism and science among government workers, first begun in January 1999, was extended to more government offices and to schools. The drive was launched to promote economic progress, strengthen the struggle against separatism, and stem “the Dalai clique’s reactionary infiltration,” according to official press reports. Authorities threatened to terminate the employment of government employees whose children are studying in India (where the Dalai Lama’s government-in-exile is located) if they did not bring the children back to Tibet.

The tight restrictions on lay religious activity imposed in 2000 no longer were strictly enforced, although other restrictions on religious expression remained in place. Some reports indicate that government workers now feel less pressure to restrict their personal expressions of religious belief. However, while Tibetans burned incense and celebrated Sagadawa by making the lingkor (a pilgrimage circuit around the religious sites of Lhasa), restrictions and bans on celebrating other important religious holidays continued. Restrictions were imposed by the authorities

to prevent celebration of the Dalai Lama's birthday in July. Reports indicate that Tibetans were forbidden to hold traditional incense-burning ceremonies on that day, and that most places of worship were closed, although there were reports of many Tibetans celebrating early or privately.

The Government continues to oversee the daily operations of major religious sites. The Government, which does not contribute to the regular operating funds of monasteries, retains management control of the monasteries through democratic management committees (DMC) and local religious affairs bureaus. In recent years, DMCs at several large monasteries have begun to collect all funds generated by sales of entrance tickets or donated by pilgrims, which previously were disbursed to monks engaged in full-time religious study for advanced religious degrees. Such "scholar monks" now must engage in income-generating activities at least part-time. Several experts are concerned that fewer monks will be qualified to serve as teachers in the future as a result.

During 1999 the TAR Religious Affairs Bureau confirmed that its officers are members of the Communist Party and that members are required to be atheists; a large percentage of the members of the religious affairs bureaus are non-Tibetans. Regulations restrict leadership of DMCs to "patriotic and devoted" monks and nuns, and they specify that the Government must approve all members of the committees. At some monasteries, government officials also sit on the committees.

Following the December 1999 flight to India of the Karmapa, leader of Tibetan Buddhism's Karma Kargyu school and one of the most influential religious figures in Tibetan Buddhism, authorities restricted access to Tsurphu monastery, the seat of the Karmapa, and reportedly increased "patriotic education" activities there. In several public statements, the Karmapa asserted that he left because of controls on his movements and the refusal either to allow him to go to India to be trained by his spiritual mentors or to allow his mentors to come to him. Soon after his flight, TIN reported that at least two Tsurphu monks were arrested and that the Karmapa's parents were placed under surveillance. Government officials denied that there were any arrests or that the Karmapa's parents have faced restrictions of any kind. The atmosphere at Tsurphu reportedly remains tense, with a permanent police presence and intensified restrictions on monks that appear to be aimed at discouraging them from following their spiritual teacher into exile. In December 2000, foreign officials were allowed to visit the Tsurphu monastery, where approximately 325 monks were said to be in residence. There were few other visitors at the time, even though December usually is a popular time for pilgrims to visit. According to reports, no new monks have been permitted to enter Tsurphu monastery since the Karmapa left, but religious activity at the monastery has continued.

The departure of the Karmapa added to tensions and increased the authorities' efforts to exert control over the process for finding and educating reincarnated lamas. The Dalai Lama, who by tradition approves the selection of important religious figures, continues to refuse to recognize the selection of Sonam Phuntsog as the seventh reincarnation of the Reting Rinpoche; many of the monks at Reting Monastery reportedly did not accept the child as the Reting Rinpoche, and eight monks were arrested in 2000 for protesting his selection. He now lives with his family under heavy guard in his residence near the monastery. Authorities tightly controlled access to the area. Another young reincarnate lama, 8 year-old Pawo Rinpoche, also lives under house arrest at Nenang monastery and reportedly has been denied access to his religious tutors. The Pawo Rinpoche was recognized by the Karmapa and is one of the senior Karma Kargyu lamas remaining in Tibet. Foreign officials have repeatedly been denied permission to visit Nenang Monastery.

The Panchen Lama is one of Tibetan Buddhism's most prominent figures, after the Dalai Lama. The Government continued to insist that Gyaltzen Norbu, the boy it recognizes and enthroned in 1995, is the Panchen Lama's 11th reincarnation. The authorities tightly control all aspects of his life, and he has appeared publicly in Beijing and the TAR only on rare occasions. His public appearances were marked by a heavy security presence. The authorities strictly limit access to the boy. Meanwhile, repeated requests for access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th Panchen Lama, to confirm his well-being and whereabouts have been denied. He first disappeared in 1995, when he was 6 years old. Government officials have stated that the boy is being held for his own protection, and that he lives in Tibet and attends classes as a "normal schoolboy." The authorities also maintain that both boys are being well cared for and are receiving a good education. The vast majority of Tibetan Buddhists continue to recognize Gendun Choekyi Nyima as the Panchen Lama. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy the Government selected as the reincarnation of the Panchen Lama. The Communist Party also urged its members to support the "official" Panchen Lama, and government authorities at both the

regional and city levels had pictures of the boy printed for use in public and private religious displays; however, very few photographs of him are on display. Instead, more prominently displayed are pictures of the 10th Panchen Lama, which some foreign observers interpret as a rejection of Gyaltzen Norbu, the boy recognized by the Government to be the Panchen Lama. The Government banned pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama to be the 11th reincarnation of the Panchen Lama.

The Government has stated that since the end of the Cultural Revolution, it has contributed sums in excess of \$40 million (300 to 400 million RMB) toward the restoration of a number of important Buddhist sites that were destroyed before and during that period. Government funding of restoration efforts ostensibly was done to support the practice of religion, but also was done in part to promote the development of tourism in Tibet. Most recent restoration efforts were funded privately, although several large religious sites also were receiving government support for reconstruction projects during the year.

Economic Development and Protection of Cultural Heritage.—Tibetans, as one of China's 55 minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions and government employment. According to official government statistics, 74 percent of all government employees in Tibet are ethnic Tibetans. Nonetheless, many positions of political authority are held by ethnic Han Chinese, and most key decisions in Tibet are made by ethnic Han. Although government regulations stipulate that government and legal documents are to be in Tibetan, in practice, written communications by officials and government documents very frequently only are in Chinese.

The Central Government and other provinces of China heavily subsidize the Tibetan economy, which, according to official statistics, has grown by an average annual rate of over 10 percent for the last decade. Over 90 percent of Tibet's budget income comes from outside sources. Tibet also benefits from a wide variety of favorable economic and tax policies. Government development policies have helped raise the material living standards of most ethnic Tibetans, particularly by providing better transportation and communications facilities. However, in recent years, freer movement of persons throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas as migrant workers from China's large transient population seek to take advantage of these new economic opportunities. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui citizens (mostly restaurants and retail shops) predominate in almost all Tibetan cities.

The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other Central Government policies initiated in 1994 and reemphasized and expanded at the 4th Tibet Work Forum in June will continue to promote a considerable influx of non-Tibetan Chinese into Tibet. They fear that Tibet's traditional culture and ethnic Tibetan demographic dominance will be overwhelmed by such migration.

Tibetans are reportedly discriminated against in employment in some urban occupations; ethnic Han are hired preferentially for many jobs and receive greater pay for the same work. Ethnic Tibetans reportedly are fired discriminatorily from some jobs. In addition many jobs require proficiency in Chinese (which limits opportunities for many ethnic Tibetans). Connections also reportedly work to the advantage of the ethnic Han (who tend to be in the higher ranking positions), and it is more difficult for Tibetans to get permits and loans to open businesses than it is for ethnic Han. Other fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively that are broadly denied in the rest of China are denied in Tibet.

Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs and threatened traditional Tibetan culture. In Lhasa the Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style; the Chinese language is spoken widely, and Chinese characters are used in most commercial and official communications. Many observers estimate that more than half of Lhasa's population is Han Chinese; elsewhere in the TAR, the Han percentage of the population is significantly lower. In rural areas, the Han presence often is negligible. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. Officials report that these figures do not include the large number of "temporary" Han residents, including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years.

There are reports that malnutrition among Tibetan children is widespread in many areas of the TAR. This is particularly true of rural areas and has resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets are said to be relatively common among children in some areas. Special programs—sponsored by both government and NGO groups—are in place in some areas to address these problems.

According to official government statistics, 42 percent of persons in the TAR are illiterate or semiliterate. Illiteracy and semiliteracy rates are as high as 90 percent in some areas. Approximately 83 percent of eligible children attend primary school, according to official statistics, but most pupils end their formal education after graduating from village schools. Chinese officials over the past few years have downgraded the use of Tibetan in education and in 1997 announced that they would begin teaching Chinese to Tibetan children starting in the first grade. The Government stated that this step was taken in order to make Tibetan children more competitive with their Han counterparts, and to provide more educational and employment opportunities in the long run. Primary schools at the village level follow a Tibetan curriculum, but these schools usually have only two or three grades.

According to local education officials, Tibetan is the main language of instruction in 60 percent of middle schools, especially in more remote areas, although there are special classes offering instruction in Chinese. NGO's maintain that this figure is inaccurately high. Most, but not all, of the students in the Chinese classes are ethnic Han. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is essential as most classes are in Chinese. Tibetan curriculum high schools exist in a few areas. The Government continues to allocate funds to enable Tibetan secondary students to study in schools elsewhere in China. According to government figures, there are 13,000 Tibetan students currently studying in some 100 schools in different parts of China. Knowledge of Chinese usually is necessary to receive a higher education, although some minority colleges allow for study of some subjects in Tibetan.

Tibet University was established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent the fact that Han representation in the student body and faculty far exceeds their proportion of the total TAR population. Although Tibetans are given admission preference, Han Chinese students frequently gain admission because they score higher on admission exams due to stronger Chinese-language skills and educational backgrounds. Authorities reportedly require professors, particularly those from Tibet University's Tibetan Language Department, which is viewed as a potential source of dissent, to attend political education sessions and limit course studies and materials in an effort to prevent "separatist" political and religious activity on campus. Many ancient or religious texts are banned from the curriculum for political reasons.

Prostitution is a growing problem in Tibet, as it is elsewhere in the country, according to experts working in the region. Hundreds of brothels operate openly in Lhasa. Up to 10,000 commercial sex workers may be employed in Lhasa alone. Much of the prostitution occurs at sites owned by the Party, the Government, or the military. Most prostitutes in Tibet are ethnic Han women, mainly from Sichuan. However, a substantial number of ethnic Tibetans, mainly young girls from rural or nomadic areas, also work as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibet is unknown but is believed to be relatively high.

During the year, there were reports that TAR authorities were pressuring employers of ethnic Tibetans who were raised or educated in India to dismiss such employees, especially in the tourism industry. Lhasa tour agencies have been forced to dismiss ethnic Tibetan tour guides educated in India and Nepal. These guides were required to seek employment with the Government's Tibet Tourism Bureau (TTB). Prior to gaining employment with the TTB, applicants must pass an examination on tourism and politics. Many, if not most, Tibetan tour guides educated abroad reportedly fail this exam. Tourist hotels and restaurants have been "encouraged" to dismiss ethnic Tibetan employees educated abroad, as well.

Tibet Autonomous Regional Television, a Tibetan-language satellite television channel, broadcasts in Tibetan for 12 hours each day. There also are two bilingual channels on which Tibetan language programs make up 15 percent of the total. The signals of the Tibetan language services of Voice of America (VOA) and Radio Free Asia (RFA) as well as of the Oslo-based Voice of Tibet suffer from the same jamming of their frequencies by Chinese authorities as the signals of their Chinese language services. However, Tibetans are able to listen to the broadcasts at least some of the time. RFA states that Tibetans are subject to intimidation and fines for listening to foreign language broadcasts, including RFA.

The Internet has been open to the public since April 1999. At year's end, Lhasa had several Internet cafes, and estimates put the number of Internet users in Tibet at several thousand.

China's economic development policies, supported in Tibet by central government subsidies, are modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.

HONG KONG

Hong Kong reverted from British to Chinese sovereignty on July 1, 1997 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China (PRC), Hong Kong enjoys a high degree of autonomy except in defense and foreign affairs and remains a free society with legally protected rights. The Basic Law, approved in 1990 by the PRC's National People's Congress (NPC), provides for fundamental rights and serves as a "mini-constitution." A Chief Executive, selected by a 400-person selection committee that was chosen by a PRC-appointed preparatory committee, exercises executive power. The legislature (known as the Legislative Council) is composed of directly and indirectly elected members. In September 2000, the second Legislative Council was elected for a 4-year term. Twenty-four seats were elected on a geographic basis through universal suffrage, 30 seats through functional (occupational) constituencies, and 6 seats through indirect election. Human rights groups and democracy advocates complained that the elections for functional constituency and election committee seats are undemocratic since only 180,000 voters were eligible to elect the 30 legislators elected by functional constituencies and the 6 legislators elected indirectly, while over 3 million persons were eligible to vote for 24 legislators elected by geographical constituencies. However, no parties boycotted the elections. Prodemocracy candidates won 17 of the 24 seats elected on a geographic basis (including one in a December 2000 by-election) and 22 seats overall.

The power of the legislature is curtailed substantially by voting procedures that require separate majorities among both geographically and functionally elected legislators for bills introduced by individual legislators, and by Basic Law prohibitions against the legislature's initiating legislation affecting public expenditures, political structure, or government operations. In addition the Basic Law stipulates that legislators only may initiate legislation affecting government policy with the prior approval of the Chief Executive. "Government policy" in practice is defined very broadly. By law and tradition, the judiciary is independent and the Basic Law vests Hong Kong's highest court with the power of final adjudication; however, under the Basic Law, the Standing Committee of the NPC has the power of final interpretation of the Basic Law. The Government's controversial 1999 request to the Chinese Government to seek such an interpretation resulted in an NPC Standing Committee interpretation which effectively overturned a ruling by the Court of Final Appeal, Hong Kong's highest court, raising questions about the potential future independence and ultimate authority of Hong Kong's judiciary.

A well-organized police force under the firm control of local civilian authorities maintains public order. Individual members of the police sometimes used excessive force. The 4,000 Chinese troops sent to Hong Kong in 1997 to replace the British military garrison have maintained a low profile and have not performed police functions.

Hong Kong is a major international trade and finance center. It is the principal gateway for trade and investment with China. A thriving free market economy operates with limited government interference. The economy, which provides residents a high standard of living, declined in the latter half of the year in connection with the global economic slow-down. Per capita gross domestic product (GDP) is \$24,375 (HK\$190,124); the population is approximately 6.8 million.

The Government generally respected the human rights of residents, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. Human rights problems that existed both before and after the handover include: limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; occasional police use of excessive force; some degree of media self-censorship; violence and discrimination against women; discrimination against the disabled and ethnic minorities; intimidat-

tion of foreign domestic workers; and trafficking in persons for the purposes of forced labor and prostitution. Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered and generally free to continue its activities in Hong Kong.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

There was one reported death of a detainee during the year, and one reported death of an escaped detainee; both persons appear to have committed suicide. In January a prisoner was found hanging in his cell; his death was ruled to be suicide. In July a woman who had escaped police custody reportedly jumped to her death from her home; the incident was still under investigation at year's end. In 2000 there were four deaths in custody; three were ruled to be suicide, and one was found to be an accidental death.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other abuse by the police; however, there were reports that police at times used excessive force against persons in custody. The law stipulates punishment for those who violate these prohibitions, and disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. Allegations of excessive use of force are investigated by the Complaints Against Police Office (CAPO), whose work is monitored and reviewed by the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive.

Although excessive use of force by police is not widespread, there are occasional complaints of force being used during interrogations to coerce information or confessions, and in a few instances in the past those complaints were partially substantiated, although there were no such complaints during the year. In the first 10 months of the year, CAPO received 617 complaints of assault by the police. Of the 205 cases in which investigations were completed and endorsed by the IPCC, 154 were withdrawn, 29 were deemed "not pursuable," 1 was judged to be "no fault," 9 were judged to be false, and 12 were judged "unsubstantiated." None was substantiated. The remainder (412 cases) was pending investigation at year's end. Of the 1039 assault allegations received in 2000, 3 were partially substantiated and none was substantiated as reported; 66 still were pending. The U.N. Human Rights Committee and local human rights groups have called for a more independent and efficient monitoring body with statutory powers, noting long delays in hearing some allegations, the large difference between the number of complaints received and the few that are substantiated, the light punishment that police officers received when complaints were found to be substantiated, and the unwillingness of some witnesses to pursue complaints for fear of retribution. In May 2000, the U.N. Committee against Torture expressed concern over the "lawful authority" defense of, and the lack of prosecutions under, the Crimes (Torture) Ordinance. In 1999 the U.N. Human Rights Committee expressed concern that police responsibility for investigation of police misconduct undermines the credibility of IPCC investigations and called on the Government to reconsider its approach.

Six police officers accused during the year of assaulting a television cameraman during interrogation were acquitted in District Court in August, but faced an internal police disciplinary inquiry. Also in August, an internal police review concluded that police operational decisions and actions in a June 2000 protest against the Government's right of abode (see Section 1.e.) policies were in accordance with the law. The police had been accused of using excessive force when they used pepper spray and hit demonstrators when removing them from the entrance to the main government office building. Two police officers earlier had received verbal warnings for excessive use of pepper spray.

Prison conditions generally meet international standards. Men and women are housed separately, juveniles are housed separately from adults, and pretrial detainees are held separately from convicted prisoners.

The Government permits prison visits by human rights monitors. Local justices of the peace regularly inspect prisons, but these visits rarely are unannounced, and justices of the peace speak with prisoners in the presence of Correctional Services Department staff. Human rights monitors have called for revisions to the inspection system.

d. Arbitrary Arrest, Detention, or Exile.—Common law, precedents previously in force, and the Basic Law provide substantial and effective legal protection against arbitrary arrest or detention and the Government generally observes these provisions. Suspects must be charged within 48 hours or released. The average length of preconviction incarceration does not exceed 80 days.

The law does not provide for, 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 generally respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judiciary has remained independent since the handover, underpinned by the Basic Law's provision that Hong Kong's common law tradition be maintained. Under the Basic Law, the courts may interpret on their own provisions of the Basic Law that are within the limits of the autonomy of the region. The courts also may interpret other provisions of the Basic Law that touch on central government responsibilities or on the relationship between the central authorities and the SAR, but before making final judgments on these matters, which are unappealable, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress (in the controversial 1999 "right of abode case," the Government, not the court, sought an interpretation from the Standing Committee). When the Standing Committee makes an interpretation of the Basic Law provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." Judgments previously rendered are not affected. The National People's Congress vehicle for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Hong Kong members are nominated by the Chief Executive, the President of the Legislative Council, and the Chief Justice. Human rights and lawyers' organizations long have expressed concern that these exceptions to the Court of Final Appeal's power of final adjudication and this interpretation mechanism could be used to limit the independence of the judiciary or could degrade the courts' authority.

In the controversial 1999 right of abode case the Government, which had lost the case in the Court of Final Appeal, asked the court to clarify its decision. After the clarification, which did not fundamentally alter the court's decision, the Government sought a reinterpretation of the Basic Law provisions at issue in the case from the NPC Standing Committee (NPCSC). The NPCSC's reinterpretation meant that the ruling by the Court of Final Appeal, which remained in force for the abode claimants involved in the case, would not apply to those with similar abode claims. The reinterpretation also raised questions about the potential future independence and ultimate authority of Hong Kong's judiciary. Since the controversy, the Government has expressed its intention to make recourse to the NPC interpretation mechanism a rare and exceptional act. In several right of abode cases before the Court of Final Appeal during the year, the Government argued that the Court should seek an NPCSC interpretation of relevant Basic Law provisions, but did not seek one itself when the Court declined to do so, even in the one case that it lost.

The Court of Final Appeal is Hong Kong's supreme judicial body. An independent commission nominates judges; the Chief Executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. Legal experts complained that the commission's selection process is opaque. In November 2000, legislators requested that the process be made transparent. The Government responded that privacy concerns prevented opening the process to the public. The Basic Law provides that, with the exception of the Chief Justice and the Chief Judge of the High Court, who are prohibited from residing outside of Hong Kong, foreigners may serve on Hong Kong's courts. Approximately 40 percent of Hong Kong's judges are expatriates from other common law jurisdictions. Judges have security of tenure until retirement age (either 60 or 65, depending on date of appointment).

Beneath the Court of Final Appeal is the High Court, composed of the Court of Appeal and the Court of First Instance. Lower judicial bodies include the District Court (which has limited jurisdiction in civil and criminal matters), the magistrates courts (which exercise jurisdiction over a wide range of criminal offenses), the Coroner's Court, the Juvenile Court, the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The law provides for the right to a fair public trial, and an independent judiciary generally enforces this right. Trials are by jury, and the judiciary provides citizens with a fair and efficient judicial process.

Under corruption prosecution rules, there is a presumption of guilt in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that which is commensu-

rate with his official income or who is in control of monies or property disproportionate to his official income is, unless he can satisfactorily explain the discrepancy, guilty of an offense. The courts have upheld this practice.

Human rights activists remain concerned that the legal system may favor those closely aligned with China or with powerful local institutions. In particular, concerns were raised by two past Justice Department decisions, in which the Government decided not to prosecute the New China News Agency for alleged violations of the Privacy Ordinance (see Section 1.f.) or to prosecute a prominent newspaper editor with close ties to Beijing who was accused of fraud.

In 1998 the Provisional Legislature passed the controversial Adaptation of Laws (Interpretive Provisions) Ordinance, which replaced the word "Crown" in Hong Kong legislation with the word "State" in hundreds of existing laws. Critics expressed concern that this change would place the Chinese government organs above the law, since laws that previously did not apply to the Crown would not apply to the (Chinese) State, including Central Government organs stationed in Hong Kong. Since 1998 58 laws have been amended to encompass the State specifically.

According to the Basic Law, English may be used as an official language by the executive, legislative, and judicial branches. For historical reasons and because of the courts' reliance on common law precedents, almost all civil cases and most criminal cases are heard in English. In recent years; however, the Government has developed a bilingual legal system. It has increased the number of officers in the Legal Aid Department proficient in Chinese and extended the use of bilingual prosecution documents and indictments. All laws are bilingual, with the English and Chinese texts being equally authentic. All courts and tribunals may operate in either Chinese or English. Judges, witnesses, the parties themselves, and legal representatives each decide which language to use at any point in the proceedings.

Some human rights groups have expressed concern that the Government has not protected vigorously enough the interests of Hong Kong residents arrested in mainland China. Complicating the Government's effort is the absence of an agreement allowing Hong Kong officials access to Hong Kong citizens arrested or detained in mainland China. Under an agreement signed in October 2000 and in effect since January 1, PRC and Hong Kong public security authorities notify each other of certain categories of detentions of each other's residents.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference with privacy, family, home, and correspondence, and the Government generally respects these prohibitions in practice. However, interception of communications can be, and is, conducted under the Telecommunications Ordinance and the Post Office Ordinance. Wiretaps require authorization for interception operations at the highest levels of government, but a court-issued warrant is not required. The Government has refused to reveal how often the Chief Executive uses his powers to authorize telephone wiretaps and interception of private mail.

The Office of the Privacy Commissioner for Personal Data (PCO), established under the Personal Data (Privacy) Ordinance (PDPO), is tasked with preventing the misuse and disclosure of data such as medical and credit records. The PDPO also prohibits matching sets of personal data without the consent of the subject individual or the commissioner, although some government departments were exempted in order to combat social welfare abuse and tax evasion. Some violations of the PDPO constitute criminal offenses. In other cases, an injured party may seek compensation through civil proceedings. If the PCO believes that violations may continue or be repeated, it may issue enforcement notices to direct remedial measures. From the end of 1996 when the PDPO took effect through the end of October, the PCO had received 2,655 complaints. In the 2,538 completed investigations, the PCO found violations of the PDPO in 143 cases, resulting in 13 cases referred to the Department of Justice and the police for prosecution consideration, the issuance of 37 enforcement notices and 93 warning notices. Of the 13 cases referred to the Department of Justice and the police, the Government as of October had decided to prosecute 2 cases and not to prosecute in 11 cases.

Under the Adaptation of Laws (Interpretive Provisions) Ordinance, the Personal Data Privacy Ordinance is not applicable to PRC government organs in Hong Kong. The Government still is considering whether the PDPO should apply to Chinese government organs. In June 1999, the High Court dismissed a legislator's civil suit over the failure of the then-New China News Agency (NCNA) to respond within the PDPO-specified time frame to the legislator's request for information about herself in the agency's files, because the NCNA Director named in the suit was not in Hong Kong at the time the incident occurred. In October 2000 the Director of the NCNA, now known as the Liaison Office, served the legislator a writ requiring the legislator to pay his court costs, as is allowed under Hong Kong law. The prodemocracy legis-

lator eventually paid her opponent's court costs with a combination of public donations and personal funds.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, those who monitor press freedom assert that some journalists and news media practice a degree of self-censorship, particularly in mainland related reporting. Senior government officials regularly made statements in support of these freedoms. Overall, the media has been outspoken in defending civil liberties; however, two laws potentially allow limits on some speech and press freedoms. The Telecommunications Ordinance grants the Government wide-ranging powers to ban messages whenever it “considers that the public interest so requires.” The Public Order Ordinance enables the Government to ban a demonstration on national security grounds, including as a factor whether a demonstration advocates independence for Tibet or Taiwan. In practice this situation has not arisen as only 5 demonstrations—out of more than 9,700 since the handover—have been disallowed, and none for national security reasons (see Section 2.b.). In November 1999, the U.N. Human Rights Committee expressed concern that the offenses of treason and sedition under the Crimes Ordinance are defined in overly broad terms, thus endangering freedom of expression. The Basic Law requires that the Government enact legislation prohibiting “treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets.” The process of developing this legislation continues with no indication of when it will conclude.

Individuals may criticize the Government publicly or privately without reprisal. Persons speak freely to the media, and many use the media to voice their views. Political debate is vigorous, and numerous viewpoints, including stories and opinions critical of the SAR and Chinese Governments and statements by leading Chinese dissidents and proindependence Taiwan activists, are provided in the mass media, in public forums, and by political groups.

The founder of the Information Center for Human Rights and Democracy Movements in China (which issues press releases on human rights-related strikes, demonstrations, and arrests in China), reported that harassment from the mainland by PRC security agencies continued in the form of regular electronic attacks on his pager.

In a move some human rights organizations decried as an attack on free speech, the Government early in the year reviewed the tax exempt status of a nongovernmental organization (NGO) that had been vocal in its opposition to certain government policies. The stated cause for the review was the group's participation in various public activities on issues not explicitly related to the organization's chartered purpose. Human rights groups noted that the Government was not reviewing the tax-exempt status of progovernment NGO's that participated in similar public activities tangential to their main purpose. In March the Government, which denied the review was politically motivated, informed the group of its decision not to revoke its tax-exempt status.

It is illegal to desecrate publicly and willfully a PRC or Hong Kong flag or emblem. In December 1999, the Court of Final Appeal ruled unanimously that laws against flag-desecration did not violate the Basic Law (or the International Covenant on Civil and Political Rights (ICCPR) subsumed therein) and reinstated the 12 months' probation given to two persons convicted of desecrating the Hong Kong and Chinese flags during a peaceful demonstration in 1998. In February, a prominent local activist was convicted of desecrating the Hong Kong flag by publicly and willfully defiling it during three separate public protests in July 2000 and was placed on a 12-month good behavior bond for \$385 (HK\$3,000). Human rights groups maintained that laws prohibiting flag desecration do not comply with Article 19 of the ICCPR and are therefore not consistent with Hong Kong's international legal obligations.

Newspapers publish a wide variety of opinions, including opinions on Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. There are 15 daily newspapers, all privately owned in name although four are supported financially—and guided editorially—by the PRC (Wen Wei Po, Ta Kung Pao, the Hong Kong Commercial Daily, and the China Daily). The non-PRC-owned newspapers, hundreds of periodicals, four commercial television stations (broadcast and cable) and two commercial radio stations function with virtually no government control. International media organizations operate freely. Foreign reporters need no special visas or government-issued press cards.

China still requires journalists—both foreign and those from Hong Kong—to apply for permission to make reporting trips to the mainland. At least one publication

whose owner offended China's leadership in the mid-1990's subsequently has been unable to get official permission for its reporters to cover events on the mainland.

Although regular coverage of supposedly taboo or sensitive subjects continue to appear in print and in the broadcast media, groups that follow press freedom in Hong Kong assert that media self-censorship continues and that certain subjects are emerging as "no go" areas for some media outlets. Such subjects include topics of particular sensitivity to China or Hong Kong's powerful business interests, leadership dynamics, military activity, Taiwanese or Tibetan independence, or powerful businessmen's relations with the mainland Government.

The pressure to self-censor purportedly comes from the belief by some publishers and editors that advertising revenues or their business interests in China could suffer if they were seen to be too antagonistic to China or to powerful local interests. In December 2000, four newspapers printed Falun Gong advertisements protesting Chinese government persecution of its members. Three newspapers, however, refused to print the advertisement; one based its refusal on the grounds that the advertisement was "defamatory of the Central Government."

In October the South China Morning Post's (SCMP) new English-language competitor, the Hong Kong iMail, abruptly dropped a satirical comic strip, which had found new life after having been dropped by the SCMP in 1995 after it implicated then-PRC Premier Li Peng in the sale of organs from executed prisoners. The newspaper also dropped much of its extensive and critical political coverage of Hong Kong and China, as it shifted focus predominantly to business-related news. The publisher portrayed the cuts as cost-saving measures.

The sudden departure from the SCMP in November 2000 of its long-time China observer Willy Wo-lap Lam continued to be described by human rights organizations as an example of media self-censorship related to a media owner's commercial interests in China. The Hong Kong Journalists Association noted in its annual report on press freedom that the SCMP since Lam's departure had continued to report on sensitive China issues, but lamented the paper's "cessation" of reporting on internal political maneuvering within the top Chinese leadership and the possible effect that this reporting gap might have on both the mainland and Hong Kong. The paper continued to cover internal PRC politics, but much less often than during Lam's tenure.

In 1999 in response to a growing number of complaints about tabloid-style journalism that encouraged intrusive reporting by the press, the Law Reform Commission suggested that the Government appoint a Press Council with the power to reprimand or fine a publication found to be "in serious breach of the Privacy Code." Public reaction included concerns by journalists, legal experts, human rights activists, and others that such a body could be used to restrict press freedom. The Government indicated its preference that the media should regulate itself. Many (but not all) major newspapers and news associations established an industry watchdog, the Hong Kong Press Council, which began its work in September 2000. Some critics complained that some newspapers, including those with the most invasion of privacy complaints against them (the Oriental Daily, the Apple Daily, and the Sun), had declined to participate in the voluntary organization. Others expressed concern that even this nonstatutory organization could potentially be abused to restrict press freedoms. In the first year of the new organization's work, it received 40 complaints from readers, who claimed intrusion of privacy, or complained of exaggerated, inaccurate, or overly graphic reporting. Three quarters of the complaints were directed at nonmember organizations. The Council in several cases requested explanations or corrections from the offending media organ and in at least one case claimed responsibility for a published apology by a nonmember. The Press Council in October and November argued that it should expand its scope to include "excessive behavior" of journalists and "unethical reporting" and sought legislation that would give it "qualified privilege" from being sued for libel by newspapers which come under Press Council criticism. Free press advocates continued to oppose the Press Council as a body that could be used to restrict press freedom, and spoke out against any increase in the Council's powers.

The government-owned Radio Television Hong Kong (RTHK) continued to enjoy the editorial independence granted to it in its charter, but pressure on it from local pro-PRC figures to moderate coverage of politically sensitive issues continued. In May, the PRC-owned newspaper Wen Wei Po criticized RTHK for suggesting that Tibet was a country. RTHK subsequently issued a statement that Tibet was part of China, that the presenter had been quoting the views of others, and admitted that the segment was "lacking in impartiality." RTHK later gave a more complete explanation of the Tibet question and included the PRC stance. In June a pro-PRC politician called on the Government to require RTHK to use a term other than "President" when referring to the leader of Taiwan, an entity the PRC refers to as a province. RTHK declined to change its practice but stated publicly that its treat-

ment of the subject did not imply that Taiwan is an independent sovereign state. In November the Government reaffirmed its policy of maintaining the editorial independence of RTHK in response to criticism that the Chief Executive's description of one program as being "in bad taste" might indicate a change in the Government's attitude. Debate continues over the desirability of privatizing RTHK.

In November 2000, a lawyer sued two radio talk show hosts for defamation, and the Court of Final Appeal ordered a retrial when it ruled that the trial judge in a lower court had misdirected a jury in a way that could endanger freedom of speech. In so doing, the Court effectively overturned a 150-year old guideline for defamation cases and called for a more generous approach toward the defense of fair comment by ruling that honest remarks, even those made with malice, could still be construed as fair comments.

At an April 2000 public seminar, a senior deputy director of the Central People's Government Liaison Office in Hong Kong (formerly called the New China News Agency or Xinhua) stated that Hong Kong should expedite the drafting of antisubversion laws required by Article 23 of the Basic Law in order to define the difference between reporting on the issue of Taiwan independence and advocating independence (in order to make it clear what kind of reporting on Taiwan was permitted). The official's remarks created a furor among politicians, human rights activists, and the media, and renewed concerns over the drafting of the antisubversion law required by the Basic Law. Some saw the official's remarks regarding Taiwan as a warning to the press not to advocate independence for Taiwan. Then-Acting Chief Executive Anson Chan issued a statement affirming freedom of the press under the Basic Law and restated the Government's position that the timetable and content of antisubversion legislation had yet to be decided. Following the incident, there was no apparent diminution in Hong Kong media reporting on Taiwan, including of proindependence views.

A publisher of Falun Gong publications again successfully reserved prominent space at the annual Hong Kong International Book Fair, but decided to leave the space vacant. A representative of the PRC-banned Quan Yin Method promoted by the Taiwan-based Supreme Master (or Suma) Ching Hai International Association occupied a booth at the Fair.

After some Hong Kong publishing houses owned by mainland Chinese interests declined to continue publishing Falun Gong materials after the movement was banned on the mainland in July 1999 (see Section 2.c.), the Falun Gong shifted the majority of its publishing to companies based elsewhere. The group is able to print flyers and small items in Hong Kong, despite reported concerns of some printers about associating with the group. Some bookstores continued to offer Falun Gong materials for sale, but bookstores operated by Chinese enterprises that removed Falun Gong books from their shelves in the wake of the July 1999 mainland ban on the movement continued to refuse to carry Falun Gong publications.

The Government generally does not restrict or censor cultural events and exhibits. However, some observers saw the decision of senior government officials not to meet with the mainland-born Gao Xingjian, the first Chinese to win the Nobel Prize for Literature, during his January visit to Hong Kong as deference to PRC displeasure with the award to the exiled writer. One complaint was that the Government's reluctance to associate with the writer, most of whose works are banned in China, contributed to the idea that Hong Kong residents should "self-censor" their behavior with a view to PRC political sensitivities. At the same time, however, Gao's writings sold briskly as public interest in the writer's works increased. In addition, a major Hong Kong university—which receives significant Government funding—subsequently bestowed an honorary doctorate on Gao.

The Basic Law provides for academic freedom, and the Government respects that freedom in practice. There is independent research, a wide range of opinions, and lively debate on campuses. The Hong Kong University-based pollster, whose allegations in 2000 that the Government had pressured him to stop conducting polls on the Chief Executive's declining popularity, and led to the resignations of two senior University officials, continued his polling work unrestricted. However, the academic no longer issued public releases to announce his poll results but rather posted them on a Web site. As of September, a University task force set up to monitor academic freedom on the campus in the wake of the controversy had received no substantive reports of infringements; however, a university-appointed Commission set up in 2000 to review the controversy found the pollster's allegations were credible.

In July, the Government allowed Hong Kong-based U.S. academic Li Shaomin to enter Hong Kong and return to work despite the fact that Li had been convicted of espionage by the PRC and expelled from the mainland only days earlier. Reportedly, Li's "offense" had been receiving and sharing information on business practices on the mainland that would be considered public information in most countries. Li's

university allowed him to resume his position despite calls from some pro-PRC figures that he be fired. Li's pay eventually was docked for the months he spent away from work while detained in the mainland.

There are no restrictions on the use of the Internet.

b. Freedom of Peaceful Assembly and Association.—The Basic Law provides for freedom of assembly and the Government generally respects this right in practice. The Government routinely issues the required permits for public meetings and demonstrations. Article 23 of the Basic Law provides that Hong Kong shall enact laws to prohibit subversion, secession, treason, and sedition against the Chinese Government. The process of developing this legislation continues with no indication of when such laws may be enacted. Prehandover amendments to the Crime Ordinance narrowed the definition of treason and sedition to include a “proven intention of causing violence or creating public disorder or a public disturbance.” However, the amendments stipulate that the Government must name the date when the change is to take effect, and the Government has chosen not to enact the amendments until comprehensive legislation dealing with all “Article 23 crimes” is developed. In the interim, preexisting provisions in the Crimes Ordinance dealing with treason and sedition continue to apply.

A posthandover revised Public Order Ordinance reintroduced the concept of the notice of no objection for public processions and empowered police to object to demonstrations on national security grounds as well as to protect the rights and freedoms of others. Under the law, demonstration organizers must notify the police of their intention to demonstrate 1 week in advance (shorter notice is accepted when the Commissioner of Police is satisfied that earlier notice could not have been given) for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must give a clear reply within 48 hours if it objects, but otherwise no reply indicates no objection. In practice, demonstrators can assume “no objection” if they are not notified otherwise by 48 hours in advance of the planned demonstration. The national security provision never has been invoked. Appeals of a denial to demonstrate may be made to a statutory appeals board comprising members from different sectors of society. No public official is on the board. Both the board's proceedings and the police's exercise of power are subject to judicial review.

Student groups and human rights activists continued to criticize the Public Order Ordinance and called for amendments to the law. Some also demanded that it be repealed on the grounds that its provisions violated the right of assembly and the International Covenant on Civil and Political Rights (ICCPR). In December 2000, in a vote heatedly opposed by prodemocracy legislators, the Legislative Council supported the ordinance in its current form by a vote of 36 to 21. Proposed amendments to the Public Order Ordinance include reducing the advance notification period, doing away with the notice of no objection, eliminating “excessive” criminal penalties of up to 5 years in prison, and requiring the police to obtain a court order in order to prohibit a demonstration. In what amounts to acts of civil disobedience, one group refuses to comply with the notification provisions, and it has made clear its intention to continue to do so until the law is revoked. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict the right of assembly unduly, and it called on the Government to review the law and bring its terms into compliance with the ICCPR.

Since the handover, there have been over 9,700 public meetings and public processions—an average of approximately 6 per day, which is roughly 50 percent higher than prehandover rates. Approximately half of these demonstrations required notification. Since the handover, the police have objected to 8 demonstrations, three of which went ahead after the demonstration organizers altered their plans. In the first 10 months of the year, police objected to 3 out of 1,860 demonstrations (two processions, one meeting) on the grounds that they were likely to cause undue disruption to vehicular traffic in a way that would affect emergency vehicles responding to emergencies. The meeting and one of the processions involved a request to conduct a container truck “slow drive” through the central business district to protest container-handling fees. The other procession denied involved a proposal to conduct a vehicular procession to protest proposed changes to village electoral arrangements (see Section 4).

Demonstrators have complained that demonstrations often are limited to “designated areas” where they receive little public attention and that police sometimes outnumber demonstrators. A police order issued in September 1998, while underlining that it is police policy “to facilitate, as far as possible, all peaceful public events,” also stipulates that certain “internationally protected persons” are, in addition to security, entitled to “protection of their dignity.” Human rights activists remain concerned that the policy could lead to the use of police tactics that the IPCC had previously ruled were inappropriate. These issues were prominent in May when

PRC President Jiang Zemin participated in a global business forum in Hong Kong. Although numerous demonstrations took place, including demonstrations by hundreds of local and foreign Falun Gong practitioners, designated protest zones were 975 feet from the conference venue and mostly out of sight and earshot of the forum participants. The Government also denied entry into Hong Kong to approximately 100 overseas Falun Gong practitioners who had planned to participate in demonstrations. One minor scuffle between police and (non-Falun Gong) protesters led to charges against a handful of demonstrators, which in the end resulted in acquittals of the protesters and a judge's criticism of police behavior.

In addition to assemblies and marches on Hong Kong-related issues, groups continue to be free to demonstrate on issues of sensitivity in mainland China. In late May, approximately 1,500 persons marched through central Hong Kong to commemorate the 12th anniversary of the June 4, 1989, massacre in Beijing's Tiananmen Square. On June 4, tens of thousands attended the annual candlelight vigil to commemorate the anniversary. Falun Gong practitioners regularly conduct public protests against the crackdown on fellow practitioners on the mainland, including directly in front of the Hong Kong offices of the Central Government. However, in August, police briefly detained several Falun Gong protesters for obstructing a public area outside of those PRC offices. No charges were filed and the protests continued, although in a designated area to one side of the Liaison Office's entrance. In November police seized Falun Gong protesters' placards and banners, again on the grounds of public obstruction. When the protesters replaced the signs and banners the following day with identical ones, police warned of additional seizures, but the protests, with banners, continued through the end of the year with no further police action.

Falun Gong adherents report that, unlike in previous years, they have been unable to secure appropriate facilities to host an annual international conference of Falun Gong practitioners. The group's applications to rent both government-administered and privately owned facilities were repeatedly turned down.

The Basic Law provides for freedom of association and the Government generally respects this right in practice. Since the handover, no applications for registration have been denied. From January through October, the Societies Licensing Office of the police registered 1,176 new organizations for a total of 5,851 registered since the 1997 handover. However, the "Never Forget June 4 Organization," whose constitution calls for the end of one party rule in China, claimed that the police continue to delay the group's registration. The police claimed not to have received any application from a group by that name. Human rights groups also have expressed concern that the amended Societies Ordinance—which like the amended Public Order ordinance was passed by the Provisional Legislature—could be used to restrict political activity. The Societies Ordinance requires that new societies must apply for registration within 1 month of establishment. The Government may refuse registration if it believes that the refusal is necessary in the interests of national security, public safety, public order, or the protection of the rights and freedom of others. The Government also may refuse to register a political body that receives support from a foreign political organization or a Taiwan-based political organization. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict unduly the right of association and called on the Government to review the law so as to ensure full protection of the right to freedom of association under the ICCPR.

c. Freedom of Religion.—The Basic Law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination and the Government respects these provisions in practice. The Government at all levels protects religious freedom in full, and does not tolerate its abuse, either by government or private actors.

The Government does not recognize a state religion but does grant public holidays to mark numerous special days on the traditional Chinese and Christian calendars, as well as the Buddha's birthday.

Religious groups are not required to register with the Government and are exempted specifically from the Societies Ordinance, which requires the registration of nongovernmental organizations. Some groups, such as the Falun Gong and various other qigong groups that do not consider themselves religions, have registered under the Societies Ordinance. Catholics freely and openly recognize the Pope as the head of the Catholic Church.

Although under the Basic Law the PRC Government has no say over religious practices in Hong Kong, its representatives in the SAR and the two PRC-owned newspapers have criticized some religious and other spiritual groups and individuals there. Hong Kong religious leaders also have noted that the Basic Law provision that calls for ties between local religious organizations and their mainland counterparts to be based on "nonsubordination, noninterference, and mutual respect" could

be used to limit such ties. In 2000 mainland authorities reportedly claimed a Hong Kong Catholic church leader had violated this noninterference clause by criticizing mainland religious policies. During this time period the Hong Kong Catholic Church reportedly had many contacts and exchanges with its counterparts in the mainland's official church put on hold. Also in 2000, Hong Kong-based Chinese officials urged Hong Kong's Catholic Church to keep "low key" any celebrations of the October 1 canonization by the Pope of 120 foreign missionaries and Chinese Catholics who had been martyred in China. These criticisms had little or no effect on activities in Hong Kong.

The spiritual movement widely known as Falun Gong is registered under the Societies Ordinance (since it does not consider itself a religion), practices freely, and holds regular public demonstrations against PRC policies. There were, however, a series of developments that sparked concerns about pressures on the Government to constrain the group's criticism of the PRC's anti-Falun Gong policies. An international Falun Gong conference held at a Government-owned facility in January drew intense criticism by pro-PRC organizations as well as PRC Government spokesmen. Statements by Chief Executive C.H. Tung in May and June that the group was "no doubt an evil cult" and that the Government would not let the Falun Gong "abuse Hong Kong's freedoms and tolerance to affect public peace and order" in Hong Kong or in the mainland prompted concern about the possibility of the Government taking action against the group, such as by enacting "anti-cult" legislation. The Government confirmed that it was studying the possibility, but stated in June that it had "no plans at present" to introduce such legislation. Prior to PRC President Jiang Zemin's visit in May, the Government claimed that the local Falun Gong practitioners' plan for demonstrations during the visit was "a deliberate move to undermine the relationship between Hong Kong and the central government" and subsequently barred entry into Hong Kong of approximately 100 overseas-based Falun Gong practitioners. Nonetheless, several hundred local and foreign Falun Gong practitioners demonstrated freely on numerous occasions and at numerous venues during President Jiang's visit. Police actions in August and November raised questions about the group's freedom of assembly and expression (see Section 2.b.), and unlike in previous years, the Falun Gong has been unable to secure a suitable venue to host a planned fifth international conference in Hong Kong (see Section 2.b.). Falun Gong representatives claim that Hong Kong practitioners remained generally undeterred by these developments, but state that the number of practitioners in Hong Kong has dropped from approximately 1,000 to approximately 500 since the PRC government began its mainland crackdown in mid-1999. Some Hong Kong publishing houses owned by mainland Chinese interests stopped publishing Falun Gong materials after the movement was banned on the mainland in July 1999, and some bookstores operated by mainland enterprises removed Falun Gong books from their shelves (see Section 2.a.).

Other martial arts/meditation groups, known collectively as qigong groups, including Zhong Gong (which was banned in the PRC in late 1999), Xiang Gong, and Yan Xin Qigong, also are registered as societies and practice freely. Another group allegedly listed as an "evil cult" by the PRC, the Taiwan-based Quan Yin Method, is registered legally and practices freely.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides residents freedom of movement within Hong Kong, freedom of emigration, and freedom to enter and leave the territory, and the Government generally respects these rights in practice. Travel documents are obtained freely and easily; however, there are some limits on travel to the mainland imposed by the mainland Government.

As was the case before the handover, the Taiwan passport is not recognized as valid for visa endorsement purposes.

In the past, several prominent overseas dissidents have been denied visas to enter Hong Kong. In May the Government denied entry to approximately 100 overseas Falun Gong practitioners coming to participate in demonstrations during PRC President Jiang Zemin's visit (see Section 2.c.). In November the Government denied entry to a handful of overseas antiglobalization activists planning to participate in protests at an international economic forum.

Chinese authorities do not permit a number of Hong Kong human rights activists and prodemocracy legislators to visit the mainland. Political and human rights activists assert that the restriction on travel to the mainland on those who disagree with the central government's policies has a potential dampening effect on political debate, particularly among those with business interests on the mainland.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol does not extend to Hong Kong, and the SAR eliminated its first asylum policy (extended only to Vietnamese) in 1998. On a case-by-case basis, the Director of Im-

migration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have their asylum claim recognized. The general practice is to refer refugee and asylum claimants to a lawyer or to the office of the U.N. High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, receive a subsistence allowance from the UNHCR, but are not allowed to seek employment or enroll their children in local schools. The UNHCR works with potential host country representatives in Hong Kong to resettle those designated as refugees. Government policy is to repatriate all illegal immigrants, including those that arrive from the mainland, as promptly as possible. From January to October, a total of 7,140 illegal PRC immigrants were repatriated to the mainland. Human rights groups have complained of a few cases in which seekers of asylum or refugee status have been arrested for illegal immigration and incarcerated for periods of up to several months, but there were no reports of the forced return of persons to a country where they feared persecution.

In 2000 the Government terminated its Millport policy, under which Vietnamese asylum seekers intercepted in boats in Hong Kong waters were assisted in their voluntary departure from Hong Kong. In a move welcomed by human rights groups and the UNHCR, the Government in June 2000 approved for permanent resettlement approximately 1,400 Vietnamese refugees and migrants. With this action the Government closed the world's last remaining Vietnamese refugee camp (Pillar Point), and brought to an end the resettlement process that had handled more than 220,000 Vietnamese who had landed in Hong Kong since 1975. As of October approximately 4 percent of the 1,400 persons approved for resettlement continued to decline the Government's offer, and instead chose to retain their refugee status in order to continue to seek resettlement elsewhere. Since the closure of the Pillar Point camp, 462 Vietnamese illegal immigrants have been intercepted, with the rate of interceptions steadily dropping.

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

Residents' right to change their government is limited by the Basic Law, which provides for the selection of the Chief Executive by an 800-person selection committee (which itself largely is appointed or indirectly elected), the direct election of less than half of Legislative Council members, and the inclusion of appointed members to the elected district councils. In addition while the approval of the Chief Executive, two-thirds of the legislature, and two-thirds of Hong Kong's National People's Congress delegates is required to place an amendment to the Basic Law originating in Hong Kong on the agenda of China's National People's Congress, it is the National People's Congress that has the power actually to amend the Basic Law. Procedures for amendment or interpretations that originate in the mainland are unclear.

The Government is executive-led, with a two-tiered legislative system consisting of the Legislative Council and 18 district councils, and is staffed by a professional and independent civil service. C.H. Tung is Chief Executive.

The Chief Executive was chosen prior to the handover by a 400-member selection committee, which in turn was chosen by a 150-member preparatory committee appointed by the Chinese Government. The Basic Law provides for elections for Chief Executive in 2002 and 2007 by a committee of 800 local residents. This committee is made up of the 60 members of the Legislative Council, the 36 Hong Kong delegates to the National People's Congress, 41 representatives of Hong Kong members of the Chinese People's Political Consultative Conference, 40 representatives from religious groups, and 623 persons elected by the same approximately 180,000 voters (some representing organizations; others voting as individuals) who choose the functional constituency representatives of the Legislative Council. The Basic Law permits amendment of the Chief Executive selection process after 2007 by a two-thirds majority of the Legislative Council, with the consent of the Chief Executive and the Standing Committee of the National People's Congress. The Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." To date, the Government has not initiated any steps to prepare for a change in the procedure for choosing the Chief Executive.

A provisional legislature, appointed by the same 400-member committee that appointed the Chief Executive, served from July 1, 1997, until June 30, 1998. Although the Provisional Legislature included 33 of 34 legislators from the 1995 Legislative Council who sought inclusion, the Democratic Party and several independents declined to seek seats in what they deemed an illegitimate body, which they claimed

lacked a legal foundation and transparency, and excluded groups, parties, and individuals critical of China. The Provisional Legislature repealed several laws that had been enacted by the elected Legislative Council to enhance civil and political rights, including: Amendments to the Bill of Rights Ordinance; the Employee Right to Representation, Consultation, and Collective Bargaining Ordinance; the 1997 Employment (Amendment) Ordinance, and the 1997 Trade Unions (Amendment) Ordinance (see Section 6.a.). A lawsuit challenging the constitutionality of the Provisional Legislative Council was unsuccessful, and the repeals remain controversial, albeit without further legal challenge.

Elections for the first and second posthandover Legislative Councils were held in May 1998 and September 2000, respectively. The Legislative Council was elected in 2000 to a 4-year term. In the first election, 20 members were elected directly from geographic districts through universal suffrage, 30 from functional (occupational) constituencies, and 10 by a 400-member selection committee of local residents. In the second, 24 members were elected directly from geographic districts through universal suffrage, 30 from functional constituencies, and 6 by votes of the 800-person selection committee which is composed of representatives of professions, district councils and religious groups, local representatives to Chinese national political bodies and Legislative Councilors. Prodemocracy candidates won 17 of the 24 seats elected on a geographic basis (including 1 in a December 2000 by-election) and 22 seats overall.

In both the 1998 and 2000 elections, the functional constituencies were drawn more narrowly than the nine broad functional constituencies of the 1995 Legislative Council, as the total number of potential voters in functional constituencies was reduced from 1.15 million in 1995 to 180,000 in 1998. Human rights groups contend that the election of functional constituency representatives by so few persons is fundamentally undemocratic. There was general acceptance of the geographic electoral districts (which include 3 million registered voters) proposed in 1997 by the Electoral Affairs Commission. A bill calling for an accelerated time line for direct election of all Legislative Council seats was defeated in the Legislative Council in 1998. The Basic Law states that the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage." In August, the U.N. Committee on Economic, Social and Cultural Rights noted that the "current arrangements for the election of the Legislative Council include some undemocratic features which impede the full enjoyment of economic, social and cultural rights" in Hong Kong.

In December 2000 the Court of Final Appeal ended a century-old practice of excluding nonindigenous villagers from participating in rural elections. The Court unanimously found that the practice violated both the Bill of Rights and the Sex Discrimination Ordinances. The Government is working with the affected parties to put together an alternative arrangement.

The ability of the legislature to influence policy is limited substantially by Basic Law provisions that require separate majorities among members elected from geographical and functional constituencies in order to pass a bill introduced by an individual member and that prohibit the Legislative Council from putting forward bills that affect public expenditure, political structure, or government operations. The Chief Executive's written consent is required before bills affecting government policy may be introduced. Additionally, the Government has adopted a very broad definition of "government policy" in order to block private member bills, and the President of the Legislative Council has upheld the Government's position. A motion proposed by a prodemocracy legislator to repeal restrictions on private members' bills was rejected in January 2000; however, the Legislative Council's degree of popular representation and outspokenness gives the Government cause to consider its views. In June 2000 when the Legislative Council passed a no-confidence motion against two senior housing officials, the more senior of the two resigned. In January 1999, the Government blocked a legislator's attempt to introduce two bills on collective bargaining and antiunion discrimination on the grounds that they would affect government spending and operations and therefore fell outside the scope allowed for private member bills under the Basic Law.

The November 1999 elections for Hong Kong's District Councils were free and fair; however, democratic legislators and human rights activists complained that the appointment of nearly one-quarter of District Councilors by the Chief Executive is an undemocratic procedure. According to the District Councils Ordinance, the District Councils are responsible for advising the government on matters affecting: (1) the well being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities.

An October 1999 motion in the Legislative Council calling for a referendum on the Government's proposal to abolish the Urban and Regional Councils, Hong Kong's mid-tier local government organs known collectively as the Municipal Coun-

cils, was defeated. In December 1999, the Legislative Council passed a controversial bill abolishing the Municipal Councils when their terms expired at the end of the year. The Councils had been the subject of widespread public criticism for their poor handling of the Avian Flu, the Red Tide, and other public health issues for which they were responsible. Legislators from the democratic parties and human rights activists protested the abolition of the councils, arguing that they were important to the development of party and democratic political leaders. The U.N. Human Rights Committee in November 1999 also expressed concern that the abolition of the municipal councils would “diminish the opportunity of Hong Kong residents to take part in the conduct of public affairs.”

Hong Kong sends 36 delegates to China’s National People’s Congress (NPC). These 36 individuals are potentially an important group, since placing proposed amendments to the Basic Law on the agenda of the NPC requires the approval of two-thirds of Hong Kong’s NPC delegates. Hong Kong’s NPC delegates also are members of the selection committee that chose 10 of the Legislature’s 60 members in 1998 and 6 of the legislators in 2000. Hong Kong’s NPC delegates were selected to a 5-year term in December 1997 by an NPC-appointed committee of 424 residents. Politicians and human rights activists criticized the selection process as undemocratic and lacking transparency and noted that Central Government Liaison Office (formerly the New China News Agency) Director Jiang Enzhu, who is not a Hong Kong permanent resident, is one of Hong Kong’s 36 delegates.

The percentage of women in government and politics does not correspond to their percentage of the population, although larger numbers are seeking public office than ever before. Women hold 11 of the 60 Legislative Council seats, and make up between 5 and 33 percent of membership in political parties. The President of the Legislative Council is a woman, as are the heads of several government departments. The Equal Opportunities Commission, itself headed by a woman, noted that women were a minority in Government advisory bodies. A report in May 2000 compiled by the Hong Kong Federation of Women stated that only between 16 to 22 percent of judges, Executive Council members, advisory board members or top civil servants are women. Minorities are also represented in senior civil service positions.

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 (see Section 2.b.). These organizations have unrestricted and thriving contacts with the local community and with groups overseas. Government officials generally are receptive to, and respectful of, their views. Prominent human rights activists who focus on mainland China also operate freely and enjoy permanent resident status in Hong Kong.

Under the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights apply to Hong Kong, with certain restrictions. The Chinese Government transmits Hong Kong’s reports under these covenants, without editing, to the U.N. The reports are prepared without interference from the Chinese Government, but local NGO’s have complained that they were not consulted fully enough on the contents of the reports. The Government and several domestic NGO’s have testified before several U.N. human rights committees, including UNCESCR in Geneva, Switzerland. The hearings, including concerns of the Committee, have received widespread and balanced press coverage. In April a U.N. Committee considered Hong Kong’s report under the International Covenant on Economic, Social and Cultural Rights. As part of a PRC delegation, the Government attended a July 31-August 1 Geneva hearing under the Convention on Elimination of All Forms of Racial Discrimination. Both hearings produced written concluding observations by the committees and written responses by the Government. The documents are freely and publicly available. Prior to the April hearing, the Government created a stir among human rights groups when a senior official wrote that U.N. committees’ recommendations were not binding in international law. In August, the UNCESCR expressed regret that Hong Kong courts likewise viewed the International Covenant on Economic, Social and Cultural Rights (ICESCR) as “promotional” or “aspirational.” In October 2000 Hong Kong’s report under the International Convention on the Elimination of All Forms of Racial Discrimination was included in China’s submission to the U.N. In May 2000 the Government sent representatives to attend, as part of China’s delegation, hearings held by the U.N. Committee against Torture in Geneva on China’s periodic report (which included a Hong Kong submission).

The Ombudsman Ordinance established the Office of the Ombudsman, which has wide powers to investigate and report on grievances from members of the public as

a result of administrative actions of the executive branch and other designated public bodies. However, the credibility of the Ombudsman's independence is undermined by the fact that most of its staff is seconded from the Government, putting them in the position of investigating their former and future bosses. A proposal for the office to become independent of the Government in 2002 reportedly has received official approval. Another limitation is that the Ombudsman does not have oversight authority over the police, the Independent Commission Against Corruption, the Equal Opportunities Commission, or the Office of the Privacy Commissioner for Personal Data. The Ombudsman may investigate complaints of noncompliance with the code on access to information by government departments, including the police and the Independent Commission Against Corruption. With regard to election-related complaints, the Ombudsman only is empowered to investigate complaints made against the Registration and Electoral Office, not those made against the Electoral Affairs Commission. Thus, the Ombudsman's human rights role regarding liberty of persons, freedom from arbitrary and unlawful arrest and detention, equality, and related matters is limited considerably.

The Ombudsman may publish investigation reports in which the identity of the complainant has been disguised. In addition to responding to public complaints, the Ombudsman may initiate investigations on his own. The Ombudsman may report to the Chief Executive if he believes that his recommendations to the organizations under his jurisdiction have not been acted upon or if there are serious violations; the Chief Executive is bound by law to present such reports to the legislature.

Human rights groups have complained that Hong Kong does not have a human rights commission. In August, the Committees on Human Rights and on Economic, Social and Cultural Rights (UNCESCR) again expressed particular concern that Hong Kong had failed to establish a broadly-mandated human rights institution.

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

The Basic Law provides that all Hong Kong residents are equal before the law. The Bill of Rights Ordinance, which provides for the incorporation into law of the International Covenant on Civil and Political Rights as applied to Hong Kong, entitles residents to the civil and political rights recognized therein "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." However, the ordinance binds only the Government, public authorities and persons acting on their behalf; that is, not private persons or entities. Three pieces of antidiscrimination legislation—the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance—have made it illegal for any person or entity (public or private) to discriminate against anyone on the grounds of sex, marital status, pregnancy, disability, or family status, and prohibits behavior such as sexual harassment, harassment or vilification on the grounds of disability, and discriminatory advertising. An Equal Opportunities Commission has been established to work toward the elimination of discrimination and to promote equality of opportunity with specific reference to gender, disability, and family status.

Human rights groups continued to call for laws specifically targeting, among other problems, public or private discrimination based on race and age. In May the UNCESCR concluded that Hong Kong's failure to prohibit race discrimination in the private sector constituted a breach of its obligations under the ICESCR. The Committee also urged Hong Kong to prohibit discrimination on the basis of sexual orientation and age. In August the U.N. Committee on the Elimination of Racial Discrimination recommended that "appropriate legislation be adopted to provide appropriate legal remedies and prohibit discrimination based on race, color, descent or national or ethnic origin." Meanwhile, press reports continued to identify examples of strong societal prejudice against minority groups including mainland Chinese migrants. The Equal Opportunities Commission continued to maintain that the elderly were discriminated against in the allocation of public housing, but noted that it was powerless to help, because there was no legislation prohibiting age discrimination.

Human rights activists generally considered the Government's Equal Opportunity Commission (EOC) an ally in the fight against discrimination. Past criticism of the organization for passivity and for emphasizing conciliation instead of acting as a watchdog or pursuing court cases disappeared as the Commission has become increasingly activist in its approach. Overall complaints to the Equal Opportunities Commission during the year rose 23 percent over 2000. During the year, the Equal Opportunities Commission received 1,181 complaints of sex discrimination, 807 of which involved the allocation of student placements in secondary schools. There were also 142 complaints of pregnancy discrimination, 99 of sexual harassment and 17 of marital status discrimination. By year's end, nine cases had been brought to

court under the Sex Discrimination Ordinance, four of which had been pending resolution, and another three cases were settled out of court. During the year, 429 complaints were filed under the Disability Discrimination Ordinance; 3 of these cases went to court, 1 of which was pending resolution. During the year, 41 complaints were received under the Family Status Discrimination Ordinance, which protects persons whose marital status changes, who have children, or who are responsible for caring for another family member, such as a child or elderly person; one of the complaints had gone to court and was pending at year's end.

The Government's "Code of Practice for Employers," designed to prevent discrimination, states that race, among other factors, should not be considered when hiring employees. However, it accepts that special circumstances exist, such as when the employee works or lives in the employer's home. The Government has undertaken a public education and awareness campaign to combat race discrimination with only limited effect.

Women.—Violence against women remains a problem, particularly among new immigrants from the mainland. The only law that specifically protects victims of domestic violence is the Domestic Violence Ordinance, which allows a woman to seek a 3-month injunction against her husband (extendable to 6 months). Domestic violence also may be prosecuted as common assault. The Government enforces the law and prosecutes violators, but sentences generally are lenient. In 2000 486 cases of domestic violence were reported to the police, while in the first 6 months of the year, 239 cases were reported. Cases of domestic violence reported to the Social Welfare Department from April 2000 to March increased 40 percent over the previous 12 months to 2,370 cases. Women tend not to seek help when subject to violence; cultural factors and inadequate information about available assistance and resources result in many cases of spousal abuse going unreported. In 2000 the Government established an interdepartmental Working Group on Sexual Violence to ensure coordination of efforts among various departments and authorities in handling the problem of sexual violence. In January the Government established a Women's Commission to address women's concerns in a comprehensive and systematic manner. The Government also funds programs such as family life education counseling, a hot line service, temporary housing, legal aid, and child protective services; it also has initiated public education and media programs to promote public awareness and encourage early seeking of professional assistance.

The Hong Kong Federation of Women's Centres asked the Government to prepare a comprehensive services plan especially for women from the mainland, with counseling and job-training to help them integrate. The Society for Community Organisation estimated that tens of thousands of women, largely single women and widows from the mainland, regularly are subjected to the threat of violence, abuse, robbery, and sexual harassment by persons they live with. In November 2000, some 200 women, including sex workers, domestic helpers, and members of 12 women's groups, held an antiviolence-against-women rally, demanding greater government protection for women, more assistance to victims, and a special court to handle such cases in a bid to preserve a woman's dignity.

The general incidence of rape is low. There were 90 cases of rape reported to the police in 1998, 91 in 1999, 104 in 2000 and 54 in the first half of the year. However, underreporting is considered a serious problem. Amendments to the Evidence Ordinance and to the Crimes Ordinance abolished the requirement of corroboration of evidence of sexual offense. Proposed amendments to the Crimes Ordinance introduced to the Legislative Council (LegCo) in July and ending at year's end expressly would clarify that marital rape is a crime. Indecent assault cases reported to the police totaled 1,124 in 2000 and 534 in the first 6 months of the year.

Prostitution is not illegal. However, there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, and keeping a vice establishment. Some women working in the sex industry have been trafficked to Hong Kong (see Section 6.f.).

Sexual harassment is a problem. EOC statistics reported 99 sexual harassment complaints during the year. Many women tend not to seek help when subjected to sexual harassment, and it is underreported. In 2000 Government and NGO surveys and statistics from a counseling hot line suggested that sexual harassment cases in fact totaled anywhere from 2½ to 10 times more than the number reported.

Women face discrimination in employment, salary, welfare, inheritance, and promotion (see Section 6.e.). In May the UNCESCR urged the Hong Kong Government to enact legislation on equal pay for work of equal value. The EOC's task force on Equal Pay for Work of Equal Value announced in September its plan to commission a two-month study of government and Hospital Authority jobs to determine whether men and women are paid the same for performing similar tasks. The press carries occasional stories of women alleging discrimination in the workplace in connection

with pregnancies. Official unemployment figures for the period from August through October were 6.3 percent for men and 4.1 percent for women. However, human rights organizations and unions assert that the statistics inaccurately record many unemployed women as housewives and that, in fact, the unemployment rate for women is actually higher than the unemployment rate for men.

Women are entering professional fields, including law and medicine, in greater numbers. In 2000, for the first time, more women than men entered the legal profession as solicitors (204 to 159) and medical school (170 to 165). Nonetheless, in the medical profession there are few women in prestigious specialties such as surgery, and female judicial officers and judges make up only 19.2 percent of the judiciary. Women hold 11 of the legislature's 60 seats. Women are disproportionately represented in the lower echelons of the work force, holding positions such as retail sales assistants and office clerks. In 2000 the Home Affairs Department organized the Working Group of Web-Enabling Women to help less educated women enter the digital workforce. As a result of revisions to inheritance statutes, the law treats men and women equally in inheritance matters, although women still face discrimination based on traditional practices (such as in the inheritance of small homes in rural areas of the New Territories). Alimony is another problem, with one 2000 survey indicating that 80 percent of divorced women fail to receive money regularly from their former husbands.

As a result of the 2000 EOC request for judicial review of the Education Department's allocation scheme for secondary school places (and in line with 1999 EOC and U.N. Human Rights Committee conclusions), the High Court ruled in June that the 23-year-old practice of separate ranking of boys and girls for secondary school admission purposes was discriminatory. To address the immediate problem of allocating school places in the fall, the Education Department established an interim appeal mechanism to review individual cases of alleged discrimination and agreed to come up with a new system by the end of the year. Hundreds of students, male and female, used the interim mechanism—many successfully—to appeal their school placement.

In January the Government established a Women's Commission to promote and protect the interests and well being of women. The Commission declared its intention to focus on provision of health services, childcare support, protecting women against violence, promotion of a women-friendly working environment and legal issues relating to women and the family. In May the UNCECSR expressed concern that the Commission might not have sufficient resources and powers to pursue its mission.

Children.—The Government is committed firmly to children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department is committed to providing schooling for children between 6 and 15 years of age and provides placement services for non-Chinese speaking children. Education is free and compulsory through grade nine. The Government supports programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families.

Quality medical care is available to all children who are residents and is subsidized heavily.

In response to a recommendation by the Law Reform Commission, the government in November raised the age of criminal responsibility for children from 7 to 10 years. In 2000 there were 80 youths under the age of 16 who were incarcerated: 29 in prison, 19 in training centers, 27 in detention centers, and 5 in drug addiction treatment centers. One youth died in April 2000 during an attempted escape from a detention center.

Child abuse and exploitation are not widespread, but statistics indicate that they are increasing. There are no specific laws dealing with child pornography, but child pornography is covered under other antipornography laws. A proposed bill on Prevention of Child Pornography that the Government plans to introduce before the Legislative Council in 2002 would criminalize the making, production, distribution, publication, advertising, and possession of child pornography and prohibit the procurement of children for making pornography, extend the application of certain sexual offense provisions to acts committed against children outside of Hong Kong, and prohibit any arrangement or advertising relating to commission of those acts.

In the first 6 months of the year, child abuse cases newly registered with the Social Welfare Department totaled 295, a 16 percent increase over the same period in 2000: 57 percent involved physical abuse, 27 percent sexual abuse, and the rest were classified as gross negligence, multiple abuse or psychological abuse. Since April the Government has provided parent education programs to all 50 of the Department of Health's Maternal and Child Health Centers. The police have a child abuse investigation unit to improve the treatment of victims, and laws have been

passed to make it easier for child victims to testify in court using an interviewing suite for recording statements. Legal penalties for mistreatment or neglect of minors also were increased substantially. A witness support program was launched that helps child witnesses in need. A child witness information kit in Chinese, with books explaining legal and court proceedings, also has been published to help reduce children's anxiety about testifying. A Child Care Center Law prevents unsuitable persons from providing child care services and facilitates the formation of mutual help child care groups.

Persons with Disabilities.—Discrimination against the physically and mentally disabled persists in employment, education, and the provision of some public services. The Disability Nondiscrimination Law called for improved building access and sanctions against those who discriminate. The Buildings Ordinance as amended updated design requirements. However, despite inspections and occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remains a serious problem for persons with disabilities. Advocates for persons with disabilities complained that limited access for persons with disabilities at polling stations made voting difficult because of accessibility problems. The Government has an integrated work extension program in sheltered workshops and expanded vocational assessment and training. No comprehensive statistics are available on the number of persons with disabilities in the work force, but a consortium of organizations representing persons with disabilities reported that about 700,000 residents are disabled, and about half are able to work. Government estimates based on household surveys indicated that in 2000 there were approximately 344,500 persons with disabilities in Hong Kong, including 270,000 with restricted body movement or difficulties with seeing, hearing or speech, and 74,500 with mental illness or autism. At year's end, there were 5,156 persons with disabilities employed as civil servants in a total civil service work force of 180,968—approximately 2.85 percent of all civil servants. During the first 10 months of the year, the Labor Department's Selective Placement Division found jobs for 2,098 of 3,600 disabled job seekers. Approximately 10,000 students in a school population of 960,000, about 1 percent, are disabled. Of these, 1,700 are in mainstream schools where they receive special education services, 244 of which were distributed among 40 schools employing the "whole-school" approach to integrated education.

In 1999 the Government formed the Guardianship Board under the Mental Health Ordinance to protect the interests of persons with mental disabilities or disorders, including dementia. In May the UNCESCR recommended that the Government undertake a comprehensive review of mental health policy and adopt effective measures to ensure that persons with mental illness enjoy the right to adequate and affordable health care. The Committee also noted its concern over the Government's "apparent lack of initiative" to undertake public education to combat discrimination against those with mental disabilities.

National/Racial/Ethnic Minorities.—The Government continued to resist recommendations by human rights groups, various U.N. human rights committees, legislators, and others that it enact specific antirace discrimination legislation that would bind the private sector. In August, the U.N. Committee on the Elimination of Racial Discrimination expressed its concern about "the continuous absence of legal provisions protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations." The Committee rejected the Government's argument that such laws should not be initiated just because they might not be supported by society as a whole. In the face of growing criticism, the Government began to gauge public opinion on the need for antiracism legislation, but maintained its stance that better education on the subject, not new legislation, was the solution. A government "Code of Practice for Employers" designed to prevent discrimination states that race should not be considered when hiring employees. Minorities, who make up approximately 5 percent of the population, are well represented in the civil service and many professions. However, there are regular allegations of racial discrimination in such areas as private sector employment, admission to public restaurants, placement in public schools, treatment in public hospitals, apartment rentals, and acceptance to institutions of higher education. Foreign domestic workers, most of whom are from the Philippines and Indonesia, are particularly vulnerable to discrimination. An Indonesian Migrant Workers Union was established in 2000 to unite Indonesian domestic helpers throughout Asia and to protect members from abuse and exploitation. It serves the approximately 67,000 Indonesian domestic helpers who work in the SAR. Similar organizations work for the interests of Philippine domestic helpers, of whom there are approximately 155,000. According to organizations representing migrant workers, police intimidation of migrant workers also is a problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must be registered under the Trade Unions Ordinance. The basic precondition for registration is a minimum of seven persons who serve in the same occupation. The Government does not discourage or impede the formation of unions. In 2000, 18 unions (comprising 17 employee unions and one mixed organization of employees and employers) were registered under the Trade Unions Ordinance. Through the first 10 months of the year, 14 new unions (all employee unions) were registered. As of the end of October, the total number of registered trade unions was 649 (605 employee, 25 employer, and 19 mixed). Over 22 percent of the approximately 3.3 million salaried employees and wage earners belong to a labor organization. Trade unions are independent of political parties and the Government.

Work stoppages and strikes are permitted. However, there are some restrictions on this right for civil servants. During the year there was one strike, which resulted in 780 lost workdays. There were 5 strikes during 2000, which resulted in 934 lost workdays; in 1999 there were 3 strikes. Although there is no legislative prohibition of strikes, in practice, most workers must sign employment contracts that typically state that walking off the job is a breach of contract which can lead to summary dismissal.

The Employment Ordinance includes provisions that protect against antiunion discrimination. Violation of the antiunion discrimination provisions is a criminal offense with a maximum fine of \$12,800 (HK\$100,000). Employees who allege such discrimination have the right to have their cases heard by the Labor Relations Tribunal. The Tribunal may order reinstatement of the employee, subject to mutual consent of the employer and employee. If no such order is made, the Tribunal may award statutory entitlements (severance pay, etc.) and compensation. The maximum amount of compensation is \$20,000 (HK\$156,000). However, labor activists complain that complainants are discouraged by the Labor Relations Tribunal's tendency to push conciliation rather than issue orders. In 2000 the Labor Relations Division of the Labor Department handled 6 complaints of antiunion discrimination. During the first 10 months of the year, there were 5 such complaints. Owing to insufficient evidence or unwillingness of employees to act as prosecution witnesses, no prosecution action has been taken against the employers concerned.

The Basic Law commits the SAR to 40 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply (see Section 6.b.).

The Employment and Labor Relations (Miscellaneous Amendments) Ordinance permits the cross-industry affiliation of labor union federations and confederations and allows free association with overseas trade unions (although notification of the Labor Department within 1 month of affiliation is required).

b. The Right to Organize and Bargain Collectively.—In June 1997, the prehandover Legislative Council passed three laws that greatly expanded the collective bargaining powers of workers, protected them from summary dismissal for union activity, and permitted union activity on company premises and time. The new ordinances would have enabled full implementation of ILO Conventions 87, 98, and 154. However, in October 1997, after consultation with the Labor Advisory Board, the Provisional Legislature repealed the Employee's Right to Representation, Consultation, and Collective Bargaining Ordinance and the Employment (Amendment) Ordinance, and amended the Trade Union (Amendment) Ordinance. The repeals removed the new legislation's statutory protection against summary dismissal for union activity; the Government argued that existing law already offered adequate protection against unfair dismissal arising from antiunion discrimination. In August, the U.N. Committee on Economic, Social and Cultural Rights expressed concern over the absence of protection against unfair dismissal.

The Employment and Labor Relations (Miscellaneous Amendments) Ordinance removed the legal stipulation of trade unions' right to engage employers in collective bargaining; bans the use of union funds for political purposes; requires the Chief Executive's approval before unions can contribute funds to any trade union outside of the SAR; and restricts the appointment of persons from outside the enterprise or sector to union executive committees. Because of this law, the Hong Kong Confederation of Trade Unions promptly filed a complaint against the Hong Kong Government for violation of ILO Conventions 87, 98, and 154. In November 1999, the ILO Committee on Freedom of Association concluded that the Employment and Labor Relations (Miscellaneous Amendments) Ordinance breached conventions 87 and 98 and recommended that the Government take legislative action to remedy the situation. The Government provided the ILO progress reports in May 1999 and January 2000 asserting that it was in compliance with all of the 40 ILO conventions that

apply to Hong Kong. In January 1999, the Government blocked a legislator's attempt to introduce two bills on collective bargaining and antiunion discrimination on the grounds that they would affect government spending and operations and therefore fell outside the scope allowed for private member bills under the Basic Law. With the repeal of the short-lived collective bargaining legislation, the prehandover framework continued. There were no laws that stipulated collective bargaining on a mandatory basis. Wage rates in a few trades like tailoring and carpentry were determined collectively in accordance with established trade practices and customs rather than as a statutory mechanism. Collective bargaining is not practiced widely. Unions generally are not powerful enough to force management to engage in collective bargaining. The Government does not encourage it, since the Government itself does not engage in collective bargaining with civil servants' unions but merely "consults" with them.

The Labor Relations Division of the Department of Labor offers free, nonbinding conciliation services to employers and employees involved in disputes that may involve statutory benefits and protection in employment as well as arrears of wages, wages instead of notice, or severance pay. The Department of Labor takes a positive attitude towards the participation of trade unions in such dispute negotiations. In the first 10 months of the year, the Division handled 26,238 claims, 64 percent of which were handled through conciliation. These figures are roughly consistent with prior years. Depending on the size of the claim, the remaining cases were referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, trafficking in persons for the purpose of prostitution reportedly occurs. There were credible reports that local, foreign, and mainland Chinese sex workers sometimes worked for organized criminals in exchange for protection or other assistance under conditions resembling indentured servitude (see Section 6.f.).

The law does not specifically prohibit forced or bonded labor by children; however, there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment of Children Regulations prohibit employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may be employed in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. To enforce compliance with the regulations, the Labor Department conducts regular workplace inspections. In the first 10 months of the year, the Labor Department conducted 137,274 inspections, during which 6 violations of the Employment of Children Regulations were discovered. The Department issued three summonses, all of which resulted in convictions and fines. In 2000 the Labor Department conducted 161,454 inspections, during which 8 violations were discovered and 5 summonses issued, 3 of which resulted in convictions and fines. Work hours for young persons 15 to 17 years of age in the manufacturing sector remain limited to 8 hours per day and 48 hours per week between 6 a.m. and 11 p.m. Overtime is prohibited for all persons under the age of 18 in industrial establishments. Employment in dangerous trades is prohibited for youths, except for 16- and 17-year-old males.

While the law does not specifically prohibit forced or bonded labor by children, such practices are not known to occur (see Section 6.c.). ILO Convention 182 on the worst forms of child labor does not apply to Hong Kong.

e. Acceptable Conditions of Work.—There is no statutory minimum wage except for foreign domestic workers. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provide workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage generally provides a decent standard of living for a worker and family. Two-income households are the norm. In August the U.N. Committee on Economic, Social and Cultural Rights expressed concern over the lack of adequate regulation on statutory minimum wage, working hours, paid weekly rest, rest breaks and compulsory overtime.

The Factory Inspectorate Division has been restructured to strengthen its safety and health promotion and enforcement program. The division—part of a new occupational safety and health branch of the Labor Department—consists of four units: an operations division covering field services such as safety and health advice; a support services division responsible for technical support services; a planning and training division; and a legal services division charged with processing and conducting prosecutions.

The Factories and Industrial Undertakings Ordinance and its 27 sets of subsidiary regulations regulate safety and health conditions. In the first 9 months of the year, the Labor Department conducted 95,386 inspections of industrial and non-industrial workplaces and issued 2,135 summonses (1,701 of which resulted in convictions with a total of \$2.8 million (HK\$22 million) in fines). In 2000 the Labor Department conducted 131,455 inspections and issued 3,719 summonses (3,455 of which resulted in convictions with a total of \$5.8 million (HK\$45.5 million) in fines). Worker safety and health has improved over the years, due in part to the transfer of many manufacturing jobs to factories in mainland China, but serious problems remain, particularly in the construction industry. In the first half of the year, there were 26,288 occupational accidents, of which 14,244 were classified as industrial accidents. Of the industrial accidents, 11 involved fatalities. In 2000 there were 58,092 occupational accidents, of which 33,652 were classified as industrial accidents, 43 of which involved fatalities. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

The minimum wage for foreign domestic workers is approximately \$470 (HK\$3,670) per month. The law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. However, foreign domestic workers are subject to deportation if they are dismissed. They are thus less likely to raise formal complaints, and there have been credible reports of their illegally being forced to accept less than the minimum wage and unacceptable living conditions. There also have been a number of cases of foreign domestic workers successfully taking their employers to court for mistreatment. The standard workweek is 48 hours, but many domestic workers work far longer hours.

f. Trafficking in Persons.—There is no specific law prohibiting trafficking in persons; however, there are various laws and ordinances that allow law enforcement authorities to take action against traffickers. Trafficking in persons is a problem and Hong Kong is both a transit and a destination point for trafficked persons.

Hong Kong is a transit point for some persons trafficked from China and other nations to third countries, despite active efforts by the Government to stop such trafficking. Through October, authorities caught 2,556 persons with forged travel documents, as compared to 3,250 persons caught in all of 2000. The most common method used to attempt to traffic persons through Hong Kong employs forged or illegally obtained travel documents to move through the airport. On a much smaller scale, traffickers have attempted to smuggle persons in shipping containers. In September the Government uncovered a trafficking ring, and arrested 11 Hong Kong residents involved in a forgery operation that produced fraudulent passports. In late 2000, law enforcement authorities discovered a container on a ship bound for the United States that housed 12 mainland Chinese attempting illegal passage. The eight Hong Kong men arrested for setting up a local "shell company" to facilitate the operations were convicted and sentenced to jail terms ranging from 2 to 6½ years.

A preliminary study released in February by a university researcher suggested that Hong Kong is a destination for women trafficked for the purpose of prostitution. According to the study, some of the women did not know before coming to Hong Kong that they would be pressured into serving as "escorts" for male customers of the bars where they were given jobs. Large numbers of mainland Chinese women also illegally engage in prostitution with the reported assistance of organized criminal groups. There were reports as well that criminal elements brought in small numbers of women from the former Soviet Union, Eastern Europe, and Colombia for the purpose of engaging in illegal prostitution.

The authorities seek to combat illegal prostitution by nonresidents through strict immigration controls and by arresting and prosecuting illegal prostitutes and their employers. In the first 9 months of the year, 982 nonresident women prostitutes and a much smaller number of their employers were arrested. Trafficking victims usually are deported, rather than formally charged.

Persons also are trafficked to the SAR for labor purposes, including domestic labor. Some foreign domestic workers, particularly from Indonesia, have been recruited abroad and brought to Hong Kong only to be placed in coercive working and living conditions. Organized criminal groups generally are behind the illicit activity and seek to profit from it through forced labor, debt bonded labor, or prostitution.

To combat fraudulent marriages that can be used to disguise trafficking in persons, immigration officials closely scrutinize applications for the entry of foreigners

to take up residence with local spouses. In cases where the claimed relationship as husband and wife does not satisfy the immigration officer, applications are rejected. For example, Government figures from 2000 report that, of the 316 applications for Vietnamese women to join husbands in Hong Kong, 40 were rejected and another 28 applicants withdrew their applications.

Provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. The courts can impose heavy fines and prison sentences for up to 14 years for such activities as arranging passage of unauthorized entrants into Hong Kong, assisting unauthorized entrants to remain in Hong Kong, using or possessing a forged, false or unlawfully obtained travel document, and aiding and abetting any person to use such a document. The Security Bureau has policy responsibility for combating migrant trafficking and oversees the police, customs, and immigration departments, which are responsible for enforcing antitrafficking laws.

Legal aid is available to those who choose to pursue legal proceedings against an employer and immunity from prosecution is often made available to those who assist in the investigation and prosecution of traffickers. The Government does not provide funding to foreign or domestic NGO's for services to victims.

MACAU

Macau, a 13 square mile enclave on the south China coast, reverted from Portuguese to Chinese administration on December 20, 1999 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China, Macau enjoys a high degree of autonomy except in defense and foreign affairs, and its citizens have basic freedoms and enjoy legally protected rights. The Sino-Portuguese Joint Declaration (1987) and the Basic Law (the SAR's mini-constitution promulgated by China's National People's Congress (NPC) in March 1993) specify that Macau is to continue to enjoy substantial autonomy and that its economy and way of life are to remain unchanged for the first 50 years under PRC sovereignty. The Government is led by a Chief Executive, chosen by a 200-member Selection Committee, which was chosen by the Preparatory Committee (60 Macau and 40 mainland representatives appointed by the NPC). In September, voters elected 10 of the legislature's 27 members in direct elections in geographical constituencies. The remaining 10 were elected by interest groups in functional constituencies, and 7 were appointed by the Chief Executive. There are limits on the types of private member bills that may be tabled. After the handover, most of the laws in force continued to apply. The judiciary is independent.

The police force is under civilian control. After peaking in 1999, serious organized crime-related violence appears to have been curbed, and police report a marked reduction in violent crime. A People's Liberation Army (PLA) garrison of 800 soldiers stationed in Macau under the Garrison Law (Macau SAR) plays no role in internal security. Some members of the security forces committed human rights abuses.

The market-based economy is fueled by textile and garment exports, along with tourism and gambling; the population is approximately 450,000. The economy grew 4.6 percent in 2000, but growth slowed this year with the global economic downturn. Most citizens still enjoy a comparatively high standard of living. Per capita gross domestic product (GDP) is approximately \$14,600 (Macau Patacas 114,000).

The Government generally respects the human rights of its citizens; however, there were problems in some areas. These problems include occasional reports of police abuse; the limited ability of citizens to change their government; limits on the legislature's ability to initiate legislation; inadequate provision for persons with disabilities; a lack of legal protection for strikes and collective bargaining rights; and trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

Unlike in previous years, there were no suspicious deaths in custody.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respects these provisions in practice; however, there were reports of police brutality during the year. The Procurator's Office still is investigating allegations that in December 2000 a police officer beat a 14-year-old boy who was distributing leaflets regarding the 1989

Tiananmen massacre before the celebration of the anniversary of the handover (see Section 2.a.). Also in December 2000, a police or immigration officer allegedly beat one foreign Falun Gong practitioner. An official investigation into the incident did not substantiate allegations of police brutality, and the practitioner did not appeal the decision (see Section 2.b.).

Prison conditions meet international standards, but in the last few years the prison population has doubled to 700, one-third of them mainlanders. Facilities and personnel have failed to keep pace. In March 2000, the Secretary for Security announced plans to hold talks with mainland authorities on a prisoner transfer agreement, but no agreement had been reached by year's end.

The Government permits prison visits by human rights monitors. Since the 1999 closure of its Macau office, Amnesty International's Hong Kong office handles prison visit cases. Amnesty International reported no cases of abuses in prison during the year. Special arrangements were made during the year to allow prisoners to vote in the Legislative Assembly elections (see Section 3).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, and detention, and the Government generally respects these provisions in practice. An examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The accused person's counsel may examine the evidence. The law provides that cases must come to trial within 6 months of an indictment. The average length of pretrial incarceration is 3 months.

In August 2000, the Legislative Assembly unanimously passed a Commission against Corruption Act, which increased the investigative powers of Macau's independent graft-fighting organization. The Act also provided for the establishment of a monitoring body, appointed by the Chief Executive, to review public complaints against the Commission. The Commission received 393 complaints in 1999, and 978 complaints in 2000. During the year, there were no complaints against the Commission.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respects this provision in practice. According to the Basic Law, the courts may have the power of final adjudication over all cases that are within the autonomy of the SAR. The courts also may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the (Special Administrative) Region," but before making their final (i.e., nonappealable) judgment, the court must seek an interpretation of the relevant provisions from the Standing Committee of the Chinese National People's Congress. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions "shall follow the interpretation of the Standing Committee." The Standing Committee of the NPC must consult its Committee for the Basic Law of the Special Administrative Region before giving an interpretation of the law. This Committee is composed of 10 members, 5 from the SAR and 5 from the mainland. The Chief Executive, the President of the Legislative Assembly, and the President of the Court of Final Appeal nominate the SAR members. The need to translate laws and judgments from Portuguese and a severe shortage of local bilingual lawyers (of the 94 lawyers in private practice, approximately 10 can read and write Chinese) and magistrates may hamper development of the legal system. However, the Government has instituted a rigorous postgraduate training program for magistrates who received legal training outside of the SAR. The judiciary is relatively inexperienced (the first law school opened in the early 1990's), and the lack of locally trained lawyers is a serious impediment to preservation of an independent judiciary and the overall development of the legal system.

According to the Basic Law, the Chief Executive appoints judges at all levels, acting on the recommendation of an "independent commission" (which he appoints) composed of local judges, lawyers, and "eminent persons." The Basic Law stipulates that judges must be chosen on the basis of their professional qualifications. According to the law, judges may be removed only for criminal acts or an inability to discharge their functions. Except for the Chief Justice, who must be a Chinese citizen with no right of abode elsewhere, judges may be foreigners. Of the 23 judges, 4 are Portuguese.

There are four courts: the Primary Court (with general jurisdiction at first instance); the Administrative Court (with jurisdiction of first instance in administrative disputes); the Court of Second Instance; and the Court of Final Appeal.

The law provides for the right to a fair trial, and the judiciary generally enforces this right. Trials are open to the public. The Criminal Procedure Code provides for

an accused person's right to be present during proceedings and to choose an attorney or request that one be provided at government expense. The 1997 Organized Crime Ordinance provides that "certain procedural acts may be held without publicity and that witness statements read in court are admissible as evidence." There also are additional restrictions on the granting of bail and suspended sentences in organized crime cases. A trial may be held in the judge's chambers on grounds that publicity could cause great harm to the dignity of the persons, to public morals, or to the normal development of the trial. Such a decision is to be revoked if those motives cease to exist. However, the verdict always is delivered in public.

The judiciary provides citizens with a fair and efficient judicial process, although the average waiting period between the filing of a civil case and its scheduled hearing is 12 months. Laws issued between 1976 and 1991 have been translated into Chinese. Since 1991 all legislation has been issued simultaneously in Chinese and Portuguese.

The Chief Procurator enjoys substantial autonomy from both the executive and the judiciary. The Basic Law stipulates that his functions must be carried out without any interference.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respects these prohibitions in practice. Official intrusions into these spheres must be done in accordance with the law, which requires a judge's authorization or order. Any evidence obtained by means of wrongful interference in private life, home, correspondence, or telecommunications without the consent of the concerned person may not be used in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice. Local law also protects citizens' right to petition the Government and the legislature. However, in a December 2000 speech given in the SAR, Chinese President Jiang Zemin warned residents of Macau not to use their freedoms to oppose the State, and admonished the press to remember its social responsibilities.

The Procurator's Office is investigating allegations that in 2000 a police officer beat a 14-year-old boy distributing leaflets on the 1989 Tiananmen Massacre in the period before the celebration of the anniversary of the handover (see Section 1.c.).

The print media include eight Chinese-language dailies, two Portuguese-language dailies, and seven weeklies. There are three television networks. Macau Radio broadcasts in both Portuguese and Chinese (Cantonese and Mandarin). Hong Kong and international newspapers are freely available. In October 2000, the Government initiated a 2-year plan to subsidize local print media to enable them to compete better with the increased availability of Hong Kong newspapers. The dominant newspapers have a pro-China orientation. Critics charge that they do not give equal attention to liberal and prodemocracy voices. The reversion to Chinese administration apparently has not, so far, affected press freedom. Government officials claim that the local press has grown more aggressive about demanding accountability from public officials since the handover.

According to Falun Gong practitioners, the group's materials, available for sale in two local stores before Falun Gong was banned on the mainland in October 1999, were removed from the shelves by store management. However, the Government has not taken action to limit their availability (see Section 2.c.). In November a scuffle broke out when three uniformed police officers tried to confiscate leaflets that the Falun Gong adherents were distributing opposite a prominent tourist site. The incident ended peacefully when a plainclothes police officer told the Falun Gong adherents to leave. No arrests were made (see Section 2.c.).

Article 23 of the Basic Law obliges the SAR to enact laws that "forbid any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets." Human rights groups are concerned that these and other provisions of Article 23 may restrict fundamental rights and freedoms. They are particularly concerned because the Penal Code does not specify sentences for such crimes, and a legal vacuum was created when a Portuguese law dealing with crimes against state security became null and void after the handover. The process of developing this legislation continues with no indication of when such laws may be enacted.

There are no government imposed limits on Internet access.

The Government respects academic freedom.

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

local law, individuals and groups intending to hold peaceful meetings or demonstrations in public places are required to notify the president of the relevant municipal council in writing at least 3 days but no more than 2 weeks in advance of the event; however, no prior authorization is necessary for the event to take place. Local law also provides criminal penalties for government officials who unlawfully impede or attempt to impede the right of assembly and for counter-demonstrators who interfere in meetings or demonstrations. Local Falun Gong supporters generally are allowed to exercise and demonstrate without interference.

Falun Gong practitioners continue their daily exercises in public parks; however, police photographed practitioners and occasionally checked their identification documents. Some practitioners were taken to the police station and made to wait a few hours while police check their documents (see Section 2.c.). As in the past, the Government has observed that the law gives residents the right to assemble and demonstrate, but not nonresident foreigners (see Section 2.d.). Prodemocracy and Falun Gong activists state that they have traveled to Macau without interference at other times.

In May approximately 400 workers joined a protest march led by the prodemocracy Macau Workers' Union, which organized a group of workers to prevent scuffles and violence. The march ended peacefully (see Section 6.a.).

The law provides for freedom of association and the Government generally respects this right in practice. The law neither provides for nor prohibits establishment of political parties. Under the Societies Ordinance, however, persons can establish "political organizations," of which a few exist, including the prodemocracy New Democratic Macau Society, headed by a prodemocracy legislator. Both civic associations and candidates' committees may present candidates in the elections by direct or indirect suffrage (see Section 3). Article 23 of the Basic Law, however, obliges the Macau SAR to enact laws that "prohibit foreign political organizations or bodies of the region from establishing ties with domestic political organizations or bodies." The Government has not yet enacted any legislation on Article 23. One international human rights organization expressed concern that legislation on combating organized crime could be used to curb freedom of association. That, however, has not occurred.

c. Freedom of Religion.—The Basic Law—the mini-constitution—provides for freedom of conscience, freedom of religious belief, and freedom to preach and to conduct and participate in religious activities. The Freedom of Religion Ordinance, which continued to apply after the handover, provides for freedom of religion, privacy of religious belief, freedom of religious assembly, freedom to hold religious processions, and freedom of religious education. The Macau SAR Government generally respects these rights in practice, although there was at least one exception. There is no state religion.

The Religious Freedom Ordinance requires the registration of religious organizations. This is handled by the Identification Services Office. There have been no reports of discrimination in the registration process.

Practitioners of Falun Gong (a spiritual movement that does not consider itself a religion) have not applied for registration because a local lawyer advised them that their application for registration would not be approved since the Falun Gong was banned in mainland China in October 1999. However, the Identification Services Office has not issued any instructions regarding the Falun Gong, and senior SAR Government officials have reaffirmed that practitioners of Falun Gong may continue their legal activities without government interference.

Falun Gong practitioners continued their daily exercises in public parks; however, they were subjected to periodic harassment by the police. Police photographed practitioners and occasionally checked their identification documents. On at least one occasion, the police took a practitioner to the police station to check his documents rather than conducting the check on site (see Section 2.b.).

In December 2000, during celebrations of the anniversary of the handover, the Government allowed local Falun Gong practitioners to demonstrate in a park about a mile from the official ceremonies (see Section 2.b.). However, the authorities detained and turned back prodemocracy activists and Falun Gong practitioners who tried to enter the SAR during the anniversary period.

Nonresident foreigners do not have the right to assemble and demonstrate. In 2000 a police or immigration officer allegedly beat one foreign practitioner. A government investigation into the incident rejected allegations of police brutality, and the practitioner did not appeal the results.

Religious bodies can apply to use electronic media to preach. The ordinance also stipulates that religious groups may maintain and develop relations with religious groups abroad and provides for freedom of religious education.

Missionaries are free to conduct missionary activities and are active in the enclave. More than 30,000 children are enrolled in Catholic schools, and a large number of influential non-Christians have had a Christian education.

According to Falun Gong practitioners, the group's materials, available for sale in two local stores before Falun Gong was banned on the mainland in July 1999, were removed from the shelves by store management. However, the Government has taken no action to limit their availability (see Section 2.a.).

The Catholic Church recognizes the Pope as the head of the Church. In April the Holy See appointed a coadjutor Bishop for the Macau diocese. Editorials in the local Catholic newspaper noted this as an example of the SAR's Government's independence and respect for religious freedom as provided for in the Basic Law.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respects them in practice. In April a female Falun Gong practitioner from Hong Kong was barred from entering Macau despite statements by the Chief Executive that there was no political blacklist of persons from Hong Kong. The police admit that they keep a list of unwelcome persons who have criminal records and persons whom they believe have criminal intentions. In December 2000, the Government detained and turned back prodemocracy activists and Falun Gong practitioners who tried to enter the SAR during the period observing the anniversary of the handover (see Section 2.c.). A Security Bureau spokesman stated that they were not admitted because it was suspected that they intended to carry out unlawful demonstrations, and that the law gives residents the right to assemble and demonstrate, but it does not give non-residents that right (see Section 2.b.). Foreign Falun Gong and democracy activists have traveled to Macau at other times without incident.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees in assisting refugees before the handover; however, since the handover, there have been no refugee cases. The law makes no provision for first asylum. There were no reports of refugees being forced to return to a country where they feared persecution.

The Government has assisted in the resettlement of Vietnamese who fled their country by boat. Only seven Vietnamese refugees remain in the SAR. No Vietnamese refugees were repatriated in 1997 or 1998, the last period for which statistics were available. The Macau SAR returns an average of 444 illegal Chinese migrants to China each month.

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

Citizens' ability to change their government is significantly restricted. The Government is led by a Chief Executive, chosen by a 200-member Selection Committee, which was chosen by the Preparatory Committee (60 Macau and 40 mainland representatives appointed by the NPC of the People's Republic of China). The 27-member Legislative Assembly elected in September is composed of 10 members elected in direct elections; 10 indirectly elected by local community interests such as business, labor, professional, welfare, cultural, educational and sports associations; and 7 appointed by the Chief Executive. Prior to the September elections, the Legislative Assembly was composed of 8 members elected directly, 12 elected indirectly, and 7 that were appointed. Elections are held every 4 years and the number of legislators is to increase gradually in subsequent elections. In 2005 the number of directly elected seats is to be increased to 12 (with 8 elected indirectly and 7 appointed). After 2009 the rules on the Assembly's composition may be altered by a two-thirds majority of the total membership and with the approval of the Chief Executive, who has veto power. The Basic Law does not provide for universal suffrage, or for direct election of either the legislature or the Chief Executive. Special arrangements were made during the year to allow prisoners to vote (see Section 1.c.).

There are limits on the types of legislation that legislators may introduce. Article 75 of the Basic Law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the Government. Bills relating to government policies must receive the written approval of the Chief Executive before they are submitted.

A 10-member Executive Council appointed by the Chief Executive (which is filled by five legislators and five policy secretaries) functions as an unofficial cabinet, approving all draft legislation before it is tabled in the Legislative Assembly. Local government representatives elected by direct, universal, secret ballot have responsibility for public sanitation and cultural activities.

The Legislative Assembly approved a bill in November that is to transform the SAR's two provisional municipal councils into a new public body in January 2002. Under the existing arrangement, a total of eight directly elected members sit on the two councils. The councils are responsible for culture, recreation and public sanitation functions. Under the new system, the councils are to be merged into a single public body, called the Institute for Civic and Municipal Affairs, with all of its members appointed by the Chief Executive. The Basic Law states that "municipal organizations are not organs of political power."

The percentage of women in government and politics does not correspond to their percentage of the population; however, they hold a number of senior positions throughout the Government. Five of the 27 Legislative Assembly members (3 directly elected, 1 indirectly elected, and 1 appointed), including the President of the Assembly, are women.

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

Domestic human rights groups in general operate without government restriction, investigating and publishing their findings on human rights. Local human rights groups, such as the Macau Association for the Rights of Laborers, and the New Democratic Macau Association, continued to operate. Amnesty International (Macau Section) ceased to exist after the December 1999 handover.

International human rights agreements that formerly were applicable to Macau were approved by the Sino-Portuguese Joint Liaison Group and continue to apply to the SAR. In addition the International Covenant on Civil and Political Rights is subsumed in the Basic Law. In August Macau submitted the first report ever presented on the application in Macau of the International Convention on the Elimination of all Forms of Racial Discrimination, which reaffirmed the Government's commitment to comply with the convention.

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

The Basic Law stipulates that residents shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion, ideological belief, educational level, economic status, or social condition. In addition, many local laws carry specific prohibitions against discrimination. For example, under the law that establishes the general framework for the educational system, access to education is stipulated for all residents regardless of race, religious belief, or political or ideological convictions.

Women.—Reported cases of domestic violence against women are not common. For cases that are reported, the Government enforces criminal statutes prohibiting domestic violence and prosecutes violators. However, police and court statistics do not distinguish between spousal abuse and other assault cases. If hospital treatment is required, a medical social worker counsels the victim and informs her about social welfare services. Until their complaints are resolved, victims of domestic violence may be provided public housing, but no facilities are reserved expressly for them.

There are private and religious groups that sponsor programs for victims of domestic violence. The Government supports and helps to fund these organizations and programs. The government-created Bureau for Family Action was created as a subordinate body of the Department of Family and Community of the Social Welfare Institute. Its aim is to support families with problems or at risk with the help of a team of specialized staff (social workers, psychologists, legal advisors, etc.). One of the most serious problems detected by this Bureau is domestic violence. The Bureau helps women who have been victims of domestic violence, providing not only a safe place for them and their children, but also advice regarding legal actions against the perpetrators. A special family counseling hot line receives an average of 13.5 calls per month. Two government-supported religious programs also offer rehabilitation programs for women who have been victims of violence.

The law on rape covers spousal rape. The number of reported rapes was 38 at year's end; there were 48 rapes reported in 2000.

Prostitution is legal, but procuring is not. Trafficking in women is a problem (see Section 6.f.).

There is no law specifically addressing sexual harassment, although there is a law prohibiting harassment in general.

Women are becoming more active and visible in business. The Government estimates that women account for 48 percent of the work force. Equal opportunity legislation that is applicable to all public and private organizations mandates that women receive equal pay for equal work, prohibits discrimination based on sex or physical ability, and establishes penalties for employers who violate these guide-

lines. However, there is wage discrimination in some sectors, notably construction. The equal opportunity legislation may be enforced by civil suits, but no cases alleging discrimination have been brought to court.

Children.—The Government is committed to protecting the rights and welfare of children; however, it has not promulgated any statutes specifically to protect the rights of children, instead relying on the general framework of civil and political rights legislation to protect all citizens. For example, the Criminal Code provides for criminal punishment for sexual abuse of children and students, statutory rape, and procuring involving minors.

School attendance is not compulsory; however, the vast majority of residents' children attend school. Basic education is provided in government-run schools and subsidized private schools, and covers the preprimary year, primary education, and general secondary school education. The Education Department provides assistance to families of those children that cannot pay school fees. The children of illegal immigrants are excluded from the educational system (see Section 6.d.). The Government provides free medical care for all children. Child abuse and exploitation are not widespread problems, although the number of reported cases have increased. Only two cases were reported during the years 1998 and 1999. In 2000, 26 cases of child abuse, and 7 cases of spousal and child abuse were reported. Nineteen cases of child abuse and 2 cases of spousal and child abuse were reported during the year.

Persons with Disabilities.—The extent to which physically disabled persons experience discrimination in employment, education, and provision of state services is not known fully. A government study published in October 1999 estimated that there were 4,354 persons with physical and/or mental disabilities in the SAR. The same study noted that “the belief still persists among the Chinese community that having a handicapped child is a form of punishment for past deeds, and this leads families to hide the handicapped child from society.”

The Social Welfare Institute offers financial and rehabilitation assistance to persons with disabilities and is helping to fund an employment center. A few other special programs exist, aimed at helping the physically and mentally disabled gain better access to employment, education, and public facilities. Laws do not mandate building access for persons with disabilities. More than two-thirds of the funding for services for persons with disabilities comes from government subsidies. The Government almost totally subsidizes 5 group homes, 14 rehabilitation centers, and 7 other charitable institutions serving persons with disabilities. Ten schools have programs for persons with disabilities, providing special education programs for approximately 467 students.

National/Racial/Ethnic Minorities.—Although no specific laws prohibit discrimination on the basis of racial or ethnic background, the rights of ethnic minorities, particularly the Macanese (Eurasians who comprise roughly 9 percent of the population) are respected. Although Portuguese officials no longer dominate the civil service, the governmental and legal systems place a premium on knowledge of the Portuguese language, which is spoken by less than 4 percent of the population. The Chinese language received official status in 1993, and the use of Chinese in the civil service is growing.

Section 6. Worker Rights

a. The Right of Association.—The Government neither impedes the formation of trade unions nor discriminates against union members. The Basic Law stipulates that international labor conventions that applied to Macau before the handover shall remain in force and are to be implemented through the laws of the SAR, and the Government enforces these laws in practice. However, human rights groups are concerned that local law does not have explicit provisions against antiunion discrimination.

The interests of the PRC heavily influence local trade union activities, including the selection of union leadership. Unions tend to stress the importance of stability and minimum disruption of the work force. Nearly all of the private sector union members belong to the pro-China Federation of Trade Unions. Many local observers claim that this organization is more interested in furthering the Chinese political agenda than in addressing trade union issues such as wages, benefits, and working conditions. A few private sector unions and two of the four public sector unions are not under Chinese control. All classes of workers have the right to join a union.

Labor leaders complain that there is no effective protection in local law from retribution should they exercise their right to strike. The Government argues that labor law provisions that require an employer to have “justified cause” to dismiss an employee protect striking employees from retaliation, and the Government enforces these provisions in practice. There were no work stoppages or strikes during the year.

Unions may freely form federations and affiliate with international bodies. During the year, seven independent industrial (sector-wide) unions were registered. Three civil service unions—representing Portuguese, Macanese, and Chinese employees—are affiliated with the major non-Communist Portuguese union confederation, the Macau Sempre (Roots in Macau).

b. The Right to Organize and Bargain Collectively.—The Government does not impede or discourage collective bargaining, but there is no specific statutory protection for this right, since Portuguese laws that protected collective bargaining no longer apply, and wages are determined by market forces. Unions tend to resemble local traditional neighborhood associations, promoting social and cultural activities rather than issues relating to the workplace. Moreover, local customs normally favor employment without the benefit of written labor contracts, except in the case of migrant labor from China and the Philippines. Chinese unions traditionally have not attempted to engage in collective bargaining.

Workers who believe that they have been dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the High Commissioner against Corruption and Administrative Illegality, who also functions as an ombudsman. There were no complaints regarding unlawful dismissal lodged with the Labor Department or the Commission Against Corruption during the year.

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 that such practices occurred; however, there were cases of trafficking in women (see Section 6.f.).

The Government does not prohibit forced and bonded labor by children and there were no reports that such practices occur, although children are covered under laws prohibiting forced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an “exceptional basis.” Some children reportedly work in family-run businesses and on fishing vessels, usually during summer and winter vacations. Local laws do not establish specific regulations governing the number of hours these children can work, but ILO conventions are applied. The Labor Department enforces the law through periodic and targeted inspections and violators are prosecuted. The incidence of child labor is very low and has declined significantly since effective enforcement began in 1985. The Labor Department Inspectorate does not conduct inspections specifically aimed at enforcing child labor laws, but issues summonses when such violations are discovered in the course of other workplace inspections. No instances of child labor were reported during the year.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Government does not prohibit forced and bonded labor by children and there were no reports that such practices occur, although children are covered under laws prohibiting forced or bonded labor.

e. Acceptable Conditions of Work.—Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements, but there is no mandatory minimum wage. Average wages generally provide a decent standard of living for a worker and family. In the absence of any statutory minimum wage or publicly administered social security programs, some large companies provide private welfare and security packages.

Labor legislation provides for a 48-hour workweek, an 8-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period for every 7 days of work, worker representatives report that workers frequently agree to work overtime to compensate for low wages. The Department of Labor provides assistance and legal advice to workers on request, but the Government’s enforcement of labor laws is lax.

The Department of Labor enforces occupational safety and health regulations. Failure to correct infractions can lead to prosecution. In 2000 the Labor Department Inspectorate carried out 928 inspections and uncovered 26 violations carrying fines worth a total of \$8,000 (MP 64,000). There were six work-related death cases in 2000, and four cases reported during the year. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protect employees’ right to continued employment if they refuse to work under dangerous conditions.

Migrant workers, primarily from China, make up approximately 12 percent of the work force. These workers often work for less than half of the wages paid to a local resident performing the same job, live in controlled dormitories, work 10 to 12 hours per day, and owe large sums of money to the labor-importing company for the pur-

chase of their jobs. The U.N. Human Rights Committee noted the lack of protective measures for working conditions, and the absence of social security programs for nonresident workers as problems of concern. Labor interests claim that the high percentage of foreign labor erodes the bargaining power of local residents to improve working conditions and increase wages. Citizen workers demonstrated against the importation of foreign laborers several times during the year.

In 2000 due to the economic downturn and rising unemployment, the government instituted a policy to reduce the amount of foreign labor in order to give job priority to local residents. In an incident in November, approximately 40 workers from mainland China were detained after a standoff with their employer over compensation and abrupt dismissal. Some of the workers were deported before a judicial decision could be made on their labor-related claims. In another case, after dozens of foreign workers suddenly were laid off by a garment manufacturer, they petitioned the Government over being paid a fraction of their wages. In response, the Government's Labor and Employment Affairs Bureau took action to mediate the pay dispute. The Government claimed that since the workers' contracts had expired, their removal was lawful. However, a Labor and Employment Affairs Bureau official told the press that the dismissal of the workers was "unreasonable" and that the workers' demands were fair.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women for the purpose of prostitution continues to occur. The country is a transit point and destination for trafficking in illegal aliens and women for the purpose of prostitution, although there is no reliable information to define the number of persons involved. There have been credible reports that women from Vietnam are trafficked into Macau as mail-order brides, with the assistance of organizations purporting to be travel agencies, international labor organizations, or marriage mediating services. Women from Malaysia, who usually are ethnic Chinese, also reportedly have been trafficked into Macau; law enforcement authorities in Malaysia believe that the women are trafficked by Chinese criminal syndicates. In some cases, trafficking victims from Malaysia are lured by promises of well-paying jobs and then are forced to work as prostitutes. There have been no reported cases of trafficking of female residents of Macau to other countries (see Sections 5 and 6.c.).

There is no separate law on trafficking in persons. Trafficking in persons is a crime established and punished under Article 7 of the Law on Organized Crime. The penalty for the crime of trafficking in persons is imprisonment for 2 to 8 years. This penalty is increased by one-third (within minimum and maximum limits) if the victim is under the age of 18 years. If the victim is under 14 years old, the penalty is imprisonment for 5 to 15 years. In a case where the victim is raped by the trafficker, even though the rape and trafficking are connected, they are treated as two different crimes.

In 1999 2 Vietnamese women were prosecuted in Vietnam for trafficking 15 Vietnamese women to Macau for the purpose of prostitution. Also in 1999, the Korean press reported that a Korean man was arrested on charges of forcing 40 Korean women, recruited as waitresses, into prostitution in Macau.

There are no government assistance programs in place for victims of trafficking.

TAIWAN

Taiwan is a multiparty democracy. The 2000 victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian followed more than 50 years of rule by the Kuomintang (KMT) and marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan (EY), or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. In December the DPP won a plurality of seats in the LY in free and fair elections. In addition to the DPP, the KMT, the People First Party, and the Taiwan Solidarity Union play significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, and the Government respected the judiciary's independence in practice.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau, and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies are under effective civilian control. The police occasionally committed human rights abuses.

Taiwan has a dynamic, export-oriented, free market economy. Liberalization of the economy has diminished the dominant role that state-owned and party-run enterprises played in such major sectors as finance, transportation, utilities, ship-

building, steel, telecommunications, and petrochemicals. Services and capital- and technology-intensive industries are the most important sectors. Major exports include computers, electronic equipment, machinery, and textiles. Its more than 22 million citizens generally enjoy a high standard of living and an equitable income distribution.

The authorities generally respected the human rights of citizens; however, there were problems in some areas. Principal problems included police abuse of detainees; prison overcrowding; allegations of judicial corruption; some infringements on citizens' privacy (although wiretaps, which were a problem in the past, are no longer abused); violence and discrimination against women; child prostitution and abuse; societal discrimination against Aborigines; restrictions on workers' freedom of association and on their ability to strike; and a few instances of trafficking in women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution does not directly address the questions of torture and punishment, the Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). Under NPA regulations, suspects may not be questioned at night and, whenever possible, interrogations must be audiotaped or videotaped. The MOJ claims that each interrogation is recorded and that any allegation of mistreatment is investigated. Nonetheless lawyers and legal scholars note that abuses most often occur in local police stations where interrogations are not recorded and when attorneys often are not present. Informed observers note that police emphasize confessions by suspects as the principal investigative tool. Law enforcement agencies remain weak in scientific investigative skills; however, the NPA continued to make efforts to improve its investigative skills, upgrading its crime laboratory technology and training crime scene examiners. International observers also have noted that the judicial system sometimes has accepted confessions even when they contradict available physical evidence or logic. The NPA denies that police abuse suspects. It asserts that regulations forbid such abuse and that police who abuse suspects are punished. Nevertheless there are credible reports that the physical abuse or the threat of abuse of prisoners is a recurring investigative technique. Detainees who are abused physically have the right to sue the police for torture, and confessions shown to have been obtained through torture are inadmissible in court proceedings. In one such case in 2000, in order to obtain a confession, police allegedly physically abused four youths who were suspected of robbery. When the actual culprits later were caught, the head of the police station publicly apologized for the abuse. In December the Shihlin District Court sentenced one of the four police officers involved to 3 months in prison, with a 3-year suspended sentence. The other three officers were referred to the JY's Committee on the Discipline of Public Functionaries for administrative action. The Court also ordered the Taipei City Police Department to pay \$1,428 (NT\$50,000) to each of the victims. In 2000 the retrial of the "Hsichih Trio" who allege police torture in extracting their confessions to a 1992 murder charge began; it remained pending before the court at year's end.

The authorities state that they have made efforts to investigate, prosecute, and punish officials responsible for torture and other mistreatment. Although the basic responsibility for investigating mistreatment lies with prosecutors, the Control Yuan (CY), a coequal branch of the political system that investigates official misconduct, also investigates such cases. While the authorities state that respect for human rights is a part of basic police training, human rights groups assert that the measures the authorities have taken to protect human rights are inadequate to create an ethos of respect for human rights among police and security personnel. Women's and children's rights groups are active in monitoring police and judicial performance and periodically mount campaigns to correct abuses.

Corporal punishment is forbidden under military law and strictly prohibited in practice. In the past, military hazing was a problem; however, the Ministry of National Defense (MND) has promulgated regulations specifying the appropriate treat-

ment of lower ranking personnel, conducted regular polls of servicemen and their families, and established a telephone hot line to discover any abuse.

Prison conditions generally meet international standards; however, overcrowding at the 49 prisons and overly long stays at the detention centers for illegal aliens remained problems, although the authorities have begun to address this latter problem (see Section 2.d.). Despite an increase in facilities in recent years, in August the number of inmates detained exceeded capacity by 4,940 or 9.6 percent.

The authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally observe this prohibition. Police legally may arrest without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of 5 years or more, when there is ample reason to believe the person may flee. Police may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. Indicted persons may be released on bail at judicial discretion. In 2000 the NPA ordered all police stations to prohibit the media from photographing persons under detention and to cease providing the names of detainees to the media. In May and August, the MOJ and the NPA strengthened efforts to prevent disclosure of information on detainees to the media; this reduced somewhat the unauthorized release of information.

Under the law prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also apply for detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observe these procedures, and trials usually take place within 3 months of indictment.

The Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain silent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respect a detainee's request to have a lawyer present during the investigation phase, but defense lawyers and human rights groups continue to complain that the rules do not provide adequate protection since suspects often do not have legal representation during police interrogation. A contributing factor is that there is no legal requirement that indigent persons be provided counsel during police interrogation, although such counsel is provided during trials. Informed observers report that the "public defense counsels" do not provide effective defense assistance. They typically do not appear until the final argument of the trial, and they seldom spend a significant amount of time discussing the case with their clients.

The Constitution does not provide for forced exile, and it is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; and the Government generally respects this provision in practice. While corruption and political influence were serious problems, in recent years the Government made efforts to eliminate corruption and to diminish political influence. Some dissatisfaction with judicial performance remained, including complaints of corruption.

In recent years, the Judicial Yuan (JY) has taken several measures to reduce political influence on judges. An independent committee using secret ballots decides judicial appointments and promotions. Judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by "assistant judges." The judges themselves decide upon distribution of cases. Finally, judges and the President of the JY are prohibited from taking part in political activities. The Government's anticorruption campaign also has reinforced the JY's efforts to eliminate judicial corruption. The JY's anticorruption department increased efforts to uncover possible corruption cases during the year and is more responsive to public complaints regarding judicial personnel. Measures from the 1999 National Judicial Reform Conference strengthened the supervision and evaluation of judge's performance. Although the LY has yet to enact the JY President's proposed code of judicial conduct, the proposals have resulted in revised precepts for evaluation of judicial performance, and strengthened reviews of judge's financial disclosure reports. In March the JY initiated a human rights course in its judicial training program. These factors have reduced the incidence of judicial misconduct; however, there con-

tinue to be complaints of corruption on the part of individual judges. In 2000 a judge in Tainan was arrested on suspicion of running a brothel since 1998 and using his position to protect the business from police scrutiny. The judge has been suspended, and the case still is pending.

The JY is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 16-member Council of Grand Justices (CGJ), which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. The Administrative Court also provides for judicial review.

The law provides for the right of fair public trial, and this generally is respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assist once an indictment has been filed and at trial, but while allowed by law usually are not present during police interrogations. Informed observers report that public defense counsels do not provide effective defense assistance (see Section 1.d.). The law states that a suspect may not be compelled to testify. The Code of Criminal Procedure states that a confession shall not be the sole evidence used to find a defendant guilty. Nonetheless informed observers note that convictions frequently result from a combination of a confession and circumstantial evidence of varying quality. However, in April a Taipei district court judge acquitted a defendant of theft charges on the grounds that his confession was made involuntarily. Any convicted person has the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. Under the law, prosecutors have the right to appeal verdicts of not guilty to the next higher court level.

In March the Council of Grand Justices declared the 1985 Antihooldlum Law to be unconstitutional. The law, which had departed from international standards of due process, may no longer be used to sentence "hoodlums" to reformatory education.

In June the Taipei District Court adopted the new trial system already in use in the Shilin District Court in Taipei city and in the Miaoli county courts. The new modified adversarial trial system is a potential model for the rest of the judicial system. It was implemented in response to the JY President's 1999 judicial reform proposals and is intended to better protect the rights of the accused.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the Criminal and Civil Codes contain provisions protecting privacy. In January the LY amended the Code of Criminal Procedure to require prosecutors to obtain judicial approval of search warrants, except when "incidental to arrest" or when there are concerns that evidence may be destroyed. However, critics claim that the incidental to arrest provision is not only unconstitutional but also often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A policeman who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison. Few defendants or their spouses have filed charges against policemen found to have obtained evidence illegally. Furthermore, illegally obtained evidence is not excluded automatically from consideration by the court; instead, its admission is left to the discretion of the judge. Increasingly judges are excluding illegally obtained evidence, although in the past such evidence was admitted and frequently provided the basis for conviction.

In December the Council of Grand Justices ruled that the Police Administration Law (PAL), which had been used to give police wide discretion in searching persons in public places and stopping vehicles for inspections, did not entitle police to make such searches unless a clear risk to public safety had been established. Noting that such searches could infringe on freedom of movement, privacy, and the right to

property, the CGJ instructed the police to revise the PAL in accordance with its ruling immediately.

Although the MOJ and the police continue to use wiretapping as an investigative tool, unauthorized wiretapping has become less of a problem following passage in 1999 of the Telecommunications Protection and Control Law, which imposed severe penalties for unauthorized wiretapping. The Telecommunication Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. The Ministry of Justice maintains that there are fewer applications for wiretaps under the law because of the tighter regulations in force. A total of 6,505 wiretaps were approved from January through the end of November compared with more than 15,000 wiretaps in 1999, the year before the law went into effect. The law also regulates wiretapping by the intelligence services.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities generally respect these rights in practice.

Print media represent the full spectrum of views within society. However, some political influence still exists over the electronic media, particularly broadcast television stations. The ruling DPP is associated with Formosa TV (FTV), an island-wide broadcast television station based in Kaohsiung. The Government is the largest shareholder of Taiwan Television Enterprise (TTV), and the military is the largest shareholder of the Chinese Television System (CTS), although it does not appear to play any role in programming. The opposition KMT is the largest shareholder of China Television Company (CTV). A fifth island-wide broadcast station is run by a nonprofit public television foundation under the Government Information Office (GIO). However, the existence of approximately 100 cable television stations, some of which carry programming openly critical of the various political parties, including the ruling party, has diminished greatly the importance of political party influence over the broadcast television stations. Over 80 percent of households receive cable television, which includes local, privately financed channels, as well as many major international networks. Cable television call-in programs have given the public an additional means of expressing its views.

Controls over radio stations were more limited than those over television stations and are being liberalized further. From September 1999 through June, the GIO received 504 applications for radio broadcast frequencies. A total of 77 frequencies were made available, including 45 medium-range and 32 short-range frequencies. As of September, 23 medium-range and 10 short-range frequencies had been apportioned.

Observers noted that licensing requirements oblige prospective radio station owners to have more capital than actually is required to operate a station. This requirement inhibits individuals or groups from applying for radio station licenses. However, the GIO claims that the \$1.5 million (NT\$50 million) required capitalization is based upon consideration of actual business costs and notes that the required capitalization is reduced to \$31,250 (NT\$1 million) for radio stations serving remote areas or designated ethnic groups and civic organizations, or which promote local development. Reportedly over 100 unlicensed "underground" radio stations, many associated with the ruling or with opposition parties, operate illegally.

Among other restrictions regulating the media are those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition after the 1979 Kaohsiung incident, nevertheless are not affected because their rights were restored through presidential amnesties by the previous administration.

There is a vigorous and active free press. In 1999 the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals.

The GIO requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication and still seeks to ban the importation of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate regulations or laws. However, few local publishing companies observe this regulation, and substantial People's Republic of China-origin material is imported every year and is widely available at schools and in research institutes. Moreover, cable television systems broadcast uncensored television channels from mainland China.

The authorities respected academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities generally respect this right in practice. Permits are required for outdoor public meetings, and they are granted routinely.

The Constitution provides for freedom of association; and the authorities generally respect this right in practice. The Civic Organization Law requires all civic organizations to register.

Under the Civic Organization Law the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the “Republic of China.” The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the authorities respect this right in practice. Religious organizations may register with the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations; however, registration is not mandatory. Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many choose not to register and operate as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year. In December 2000, the President granted a special amnesty to 19 conscientious objectors who had been imprisoned for refusing military service on religious grounds.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The authorities do not restrict freedom of internal travel. Foreign travel by passport holders is common.

Nonresident passport holders usually are issued “overseas Chinese” passports and must seek entry permits for travel to Taiwan. According to the National Security Law (NSL), entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. In 2000, in connection with the trial of a person who had returned to the island without obtaining an entry permit, a high court judge applied to the Council of Grand Justices for review of the law on the grounds that the requirement for nonresident passport holders to obtain permission to enter Taiwan violated constitutional provisions regarding freedom of movement. The matter still is pending in the courts. Holders of nonresident passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987 the authorities have relaxed substantially strictures against travel by residents to the Chinese mainland, and such travel is common. Relatively tight restrictions on the entry of Chinese from the mainland for national security reasons, which previously had been relaxed to permit cross-strait exchanges, were further relaxed in December 2000 when the LY passed legislation permitting mainland Chinese to visit for business, academic, or tourism purposes. The Government also revised regulations to permit PRC journalists to come to Taiwan for the first time ever.

There is no law under which noncitizens may ask for asylum, and there were no applications for refugee status during the year. While the authorities have been reluctant to return to the mainland those who might suffer political persecution, they regularly deport to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally enter the island for economic reasons. There were no reports of forced return of persons to a country where they feared persecution.

Some detention centers for illegal immigrants continued to be overcrowded, and detainees complained about overly long stays at the centers while waiting to be repatriated. Recent expansion projects sought to relieve overcrowded conditions. The Bureau of Entry and Exit faults mainland Chinese authorities for delays in repatriation. In 2000 the authorities began allowing some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. Also in 2000 the authorities began repatriating illegal alien mainland Chinese directly from the island of Matsu rather than taking them to detention centers on Taiwan.

During the year, the ship’s master and the chief engineer of the Greek cargo vessel M/V Amorgos were prevented from leaving the island for 8 months while the Environmental Protection Agency negotiated with the shipping company’s agent on compensation for damages caused by an oil spill when the ship ran aground off the

coast of southern Taiwan on January 14. They were allowed to depart the island in August.

The 1999 Entry, Exit, and Immigration Law provides strict sentencing guidelines for alien smuggling. Several cases have been brought before the courts under this law.

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

Citizens have the right to change their government peacefully, and citizens exercise this right in practice. In 2000 for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-man race. Generally free and fair popular elections for the LY have taken place four times since 1992.

The Chen administration has made significant progress in its efforts to stamp out corruption and vote buying. Early in the year, it worked to ensure fair Farmer's Association elections, investigating 330 suspected vote-buying cases. The MOJ also conducted a concerted campaign against vote buying in the December legislative and local elections, indicting over 3,700 persons, including 4 legislative candidates and 9 county magistrate candidates. During the year, prosecutors requested heavy sentences for 13 incumbent and former legislators and 7 city and county officials indicted for corruption. One former legislator and three incumbent legislators as well as two city and county officials have been convicted in these cases; the remaining cases are still pending.

In 2000 the Ministry of Justice Investigation Bureau was ordered to cease political intelligence gathering regarding politicians and political parties, and to concentrate on criminal matters.

Following its victory in the 2000 presidential election, the ruling DPP grew to include approximately 450,000 members. The KMT remained the largest political party, with over 950,000 members reaffirming their membership in a registration drive following the 2000 electoral defeat. The DPP won a plurality in the December legislative elections, obtaining 87 of 225 seats. The KMT, which lost the legislative majority for the first time, won 68 seats. The People First Party more than doubled its representation in the LY, winning 46 seats. The newly established Taiwan Solidarity Union, inspired by the pro-Taiwanese ideology of former president Lee Teng-hui, won 13 seats. The New Party won one seat.

The Constitution provides for equal rights for women, and, while their percentage in government and politics does not correspond to their percentage of the population, their role is increasing. In 2000 a woman for the first time was elected vice president, and nine women are members of the Cabinet, including the Minister of Interior and the Chairperson of the Mainland Affairs Council. Two of 29 Control Yuan members are women. A number of women also hold important political party positions. Two of the 11 members of the DPP Central Standing Committee are women, as are 11 of the KMT's 31 Central Standing Committee members.

Aborigine representatives participate in most levels of the political system, partially through holding 8 reserved seats in the LY—half of which are elected by the plains Aborigines and half by mountain Aborigines. The proportion of legislative seats allocated to Aborigines is almost twice their percentage of the population. An Aborigine serves as Chairman of the Council of Aboriginal Affairs.

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

The principal human rights organizations are the Chinese Association of Human Rights and the Taiwan Association for Human Rights. Both organizations operate freely and investigate human rights complaints, many of which come to public attention through the media and statements by lawmakers from all political parties. The authorities also permit representatives of international human rights organizations to visit and meet with citizens freely. Amnesty International maintains a Taipei office. Women's and children's human rights groups monitor police and judicial performance and campaign to correct abuses.

In his 2000 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights commission, and, in December, he announced additional details and a schedule to his human rights promotion program. In January the Ministry of Education initiated a program of human rights education at all levels of the educational system.

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

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." It also provides for the rights of per-

sons with disabilities. While the authorities are committed to protecting these rights, discrimination against some groups continues.

Women.—Violence against women, including domestic violence and rape, remains a serious problem. Domestic violence is especially widespread. The authorities fund domestic violence hot lines, which also handle calls for assistance from victims of sexual assault and child abuse. From January to July, the hot line received 52,000 calls. The Ministry of Justice continued to take steps to strengthen the protection of women and children against violence in accordance with the 1999 Domestic Violence and Protection Control Law. The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases are prosecuted, strong social pressure discourages abused women from reporting incidents to the police in order to avoid disgracing their families. Rape also remains a serious problem, and its victims are stigmatized socially. One expert estimates that 7,000 rapes occur annually—10 times the number reported to the police. In 1999 the LY passed legislation that permits the prosecution of the crime of rape without requiring the victim to press charges. Under the law, rape trials are not public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually are sentenced to from 5 to 10 years in prison. There were 2,042 cases of rape or sexual assault reported in 1999, the most recent year for which statistics are available. Spousal rape is a crime. In February the Ministry of Interior adopted a new procedure under which doctors, social workers, police, and prosecutors jointly question victims of sexual abuse in order to reduce the number of times a victim is questioned. From January to November, 1,978 persons were indicted for rape or sexual assault and 1,110 were convicted.

The law requires all city and county governments to set up domestic violence prevention and control centers. The centers provide victims with protection, shelter, legal counseling, and other services on a 24-hour basis. From January to October, 29,368 cases were referred to city and county government domestic violence prevention and control centers. During that same period, local centers consulted with 114,691 persons, helped issue 8,491 protection orders, and assisted in emergency shelter for 1,307 persons. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. The Ministry of Interior also provides assistance, such as financial assistance and shelter, to victims of rape or domestic violence. In 1999 the Ministry established a domestic violence prevention committee to implement a comprehensive program for the protection of women and children. The committee, among other things, ensures that the various prevention and control centers are functioning effectively, and that other government agencies, such as the police, are handling domestic violence cases appropriately. The committee also works with NGO's on these issues.

Prostitution, including child prostitution, also is a problem; there were no reports of women being coerced into prostitution during the year (see Section 6.f. and 6.c.). The authorities are phasing out legalized prostitution; in 1999 the LY banned prostitution, but exempted 23 brothels and 119 prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There have been reports of a growing trend of young women, often well educated, entering into part-time prostitution to earn additional spending money. There also are credible reports of a small number of women being trafficked onto the island for purposes of prostitution (see 6.c. and 6.f.), and reports of a larger number of women who enter for purposes of engaging in prostitution.

Sexual harassment is a problem that is being actively addressed. In April a mid-level manager in the Democratic Progressive Party's headquarters was accused of sexually harassing a subordinate. Several of the alleged victim's coworkers held a press conference to demand action. Following an investigation, the alleged offender resigned.

The law prohibits sex discrimination. Many sections of the legal code that discriminated against women have been eliminated. For example, women are no longer required to adopt their husband's last name after marriage, and the citizenship law was amended in 2000 to permit transmission of citizenship through either parent.

In December the LY passed the Gender Equality in the Workplace Act, which provides for equal treatment with regards to salaries, promotions, and assignments. The law also stipulates that measures be taken to eliminate sexual harassment in the workplace. Women's advocates have noted that women were promoted less frequently and worked for lower pay than their male counterparts, and that women were not granted maternity leave or were forced to quit jobs due to marriage, age, or pregnancy, despite the fact that previously existing labor laws afforded women some protections against gender-based discrimination in the workplace. According to the Council on Labor Affairs, salaries for women average 85 percent of those for

men performing comparable jobs. Most city and county administrations have set up committees to deal with complaints of sexual discrimination in the workplace.

In March the Ministry of Education initiated a program to promote equal educational opportunities for both sexes, to include units on family life, relations between the sexes, and equal opportunity rights in educational material at all levels.

NGO's involved with women's issues include the Taiwan Women's Rescue Foundation and the Women Awakening Foundation, which help female victims of domestic violence; and the Garden of Hope Foundation, which helps rescue child prostitutes. In April 60 women's organizations joined together to form the National Union of Taiwan Women to promote women's rights throughout the island. In December President Chen reiterated his administration's determination to protect teenage girls from commercial sexual exploitation and signed a declaration drafted by the Garden of Hope Foundation to increase public awareness of the need to protect the rights of teenage girls.

Children.—The Constitution has provisions to protect children's rights, and the authorities are committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule is enforced. The percentage of school age children attending primary school is 99.94 percent, and those attending junior high school 99.86 percent. Children also are provided health care under the national health insurance scheme.

Child abuse is a significant problem. In 2000 according to MOI statistics, there were 5,211 cases of child abuse. The 1999 Domestic Violence Control Law established a Domestic Violence Protection Center, which provides for protection against child abuse. Under the law any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities; child welfare specialists must make such notification within 24 hours; and the authorities involved must issue an investigation report within 24 hours. Both the Ministry of Interior's Social Affairs Department and nongovernmental specialists assert that these requirements are followed. In 2000 a senior member of a Buddhist academy was charged with sexually assaulting several novice monks who were children; at year's end the case was still pending. A Child Welfare Bureau to enhance efforts to protect child welfare exists in the MOI. Financial subsidies are provided to low-income families with children in day care facilities and to local governments to promote child protection efforts. In 2000 the MOI assisted city and county governments in establishing 10 daycare facilities and 18 child protection centers, accommodating more than 1,400 children and investigating over 1,300 cases. The MOI also coordinates the efforts of city and county governments and NGO's in protecting aboriginal children. During 2000 more than 8,000 children who had dropped out of school were helped to return to school. In January a hot line was established to accept complaints of child abuse and offer counseling. Courts are authorized to appoint guardians for children who have either lost their parents or whose parents are deemed unfit.

In 1999 the first juvenile court was established in Kaohsiung to handle criminal cases. Previously regular courts handled such cases. The court includes 24 juvenile counselors, and is believed to have been effective in dealing with juvenile criminal cases. There are three juvenile detention centers on the island.

Although no reliable statistics are available, child prostitution is a serious problem, particularly among aboriginal children (see Section 6.c. and 6.f.). Most child prostitutes range from 12 to 17 years of age. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guardianship of parents and the appointment of qualified guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their "own free will," and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remain obstacles to enforcement. According to well-informed observers, the practice of aboriginal families selling their children into prostitution no longer exists.

According to some reports, brothel owners, to prevent child prostitutes from escaping, use violence, drug addiction, and other forms of coercion. The law provides for up to 2 years' incarceration for customers of prostitutes under the age of 18. The law also requires the publication of the names of violators in newspapers. Between January and November, the names of 29 persons convicted of patronizing child prostitutes were published. Under a plan adopted by the NPA, city and county authorities across the island have established police task forces to strengthen their efforts against child prostitution. In 2000 the police conducted 830 raids and rescued 633 child prostitutes. During the first 7 months of the year, 429 persons were arrested for violations of the law, resulting in 292 convictions. The law prohibits the media

from running advertisements involving the sex trade and imposes penalties on citizens arrested abroad for having sex with minors (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and sets minimum fines at approximately \$2,400 (NT\$73,800) for violators. New public buildings, facilities, and transportation equipment must be accessible to the persons with disabilities, and they appear to meet the requirements. Existing public buildings were to be brought into conformity by 1995; however, there does not as yet appear to be a substantial effort aimed at refitting older buildings to accommodate persons with disabilities.

According to MOI statistics, as of March there were 724,224 persons with disabilities. One-third of the total are severely disabled and receive shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire persons with disabilities equal to 2 and 1 percent of their work forces respectively. Organizations failing to do so must pay, for each person with disabilities not hired, the basic monthly salary (approximately \$570 (NT\$18,880)) into the Disabled Welfare Fund, which supports institutions involved in welfare for persons with disabilities. Many organizations complain that it is difficult to find qualified workers with disabilities, and they appear to prefer to pay the fines involved. Another law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines. Both the central and local governments have established committees for the protection of persons with disabilities.

Indigenous People.—The island's only non-Chinese minority group consists of the aboriginal descendants of Malayo-Polynesians already established when the first Chinese settlers arrived. According to the Council of Aboriginal Affairs, in June there were 414,000 Aborigines. More than 70 percent are Christian, while the dominant Han Chinese are largely Buddhist or Taoist. The civil and political rights of Aborigines are protected fully under law. The National Assembly amended the Constitution in 1992 and again in 1997 to upgrade the status of aboriginal people, protect their right of political participation, and to ensure their cultural, educational, and business development. In addition the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The cabinet-level Council of Aboriginal Affairs was established in 1996 to protect aboriginal rights and interests. Critics have noted that its budget is quite small. As part of its efforts to preserve ethnic identities, the Ministry of Education includes some Aborigine-language classes in primary schools. The Ministry of Education subsidizes university education for Aborigines and works to preserve aboriginal culture, history, and language through the establishment of Aborigine studies centers. The law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines.

Although they face no official discrimination, Aborigines have had little impact, over the years, on major decisions affecting their lands, culture, traditions, and the allocation of their natural resources. In addition they complain that they are prevented from owning ancestral lands in mountain areas under the authorities' control, some of which have been designated as national parks or conservation areas. Land rights remain a crucial issue for Aborigines, along with social discrimination, educational underachievement, low economic status, and high rates of alcoholism. Some Aborigine leaders have come to believe that only some form of autonomy can preserve their land rights, which constantly are threatened by Chinese developers who use connections and corruption to gain title to aboriginal land. According to Council of Aboriginal Affairs' statistics, only about 70 percent of Aborigine children complete elementary school.

The sale of Aborigine children into prostitution by their parents reportedly no longer occurs.

Section 6. Worker Rights

a. The Right of Association.—Although the JY ruled in 1995 that the right to organize trade unions is protected by the Constitution, legislation implementing this decision has not been passed; teachers, civil servants, and defense industry workers are not permitted to form labor unions. Even with this ruling, a number of laws and regulations limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Labor unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying certification to new labor unions during the year.

The Labor Union Law requires that labor union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected ruling party or management-endorsed union slates. During the year there were no reports of political interference in labor union affairs.

Labor unions may form confederations, but in the past no administrative district, including a city, county, or province, could have competing labor confederations. In 2000 the Government significantly eased restrictions on the right of association by recognizing three new island-wide labor federations: The Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions), the Chinese Labor Unions Federation, and the National Trade Union Confederation. Nonetheless the percentage of workers who are labor union members has not increased in recent years in the face of a relatively low unemployment rate, higher wages, the shift from manufacturing to service industries, the small scale and poor organization of most unions, and past prosecution of labor activists by the authorities. As of March, some 2.9 million workers, approximately 30 percent of the 9.8 million-person labor force, belonged to 3,854 registered labor unions.

The law governing labor disputes recognizes the right of labor unions to strike but imposes restrictions that make legal strikes difficult and seriously weaken collective bargaining. For example, the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year. The Council of Labor Affairs (CLA) reported that from 1990-99, there were 34 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. There were no strikes during the year or in 2000.

In 1971 the People's Republic of China replaced Taiwan in the International Labor Organization. However, in August the CFL's president attended an ILO regional meeting, the first such participation in an ILO meeting since 1971. The CFL is affiliated with the International Confederation of Free Trade Unions. The new federations are not internationally affiliated.

b. The Right to Organize and Bargain Collectively.—Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor Disputes Law give workers the right to organize and bargain collectively.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are labor union members. However, in practice employers sometimes have dismissed labor union leaders without reasonable cause, or laid them off first during employee cutbacks, and observers point out that the law has no specific penalties for violations. According to the National Federation of Independent Trade Unionists, over 400 trade unionists and supporters have been fired since the labor movement began to expand after the 1987 lifting of martial law.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. The 301 collective agreements in force in March involve roughly 26 percent of industrial labor unions and cover a relatively small proportion of the total workforce. Employers set wages generally in accordance with market conditions.

Firms in export processing zones are subject to the same laws regarding treatment of labor unions as other firms and follow normal practices including collective bargaining agreements with their unions.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; including forced and bonded labor by children; however, there were three cases of forced child prostitution prosecuted by the authorities, and there are allegations of trafficking in women (see Sections 5 and 6.f.).

In 1999 nine women who were forced to work as "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) filed lawsuits in Japan seeking \$100,000 (NT\$3,000,000) and a formal apology from the Japanese Government. The case remained before the courts at year's end.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law (LSL) prohibits forced and bonded child labor, and the authorities generally enforce this prohibition effectively. There were three cases of forced child prostitution prosecuted by the authorities. To protect children from the worst forms of exploitation, the authorities have enacted a Child Welfare Law, a Juvenile Welfare Law, and a Child and Juvenile Sexual Transaction Prevention Act to protect children from debt bondage, prostitution, pornographic performances, and

other illicit activities specified in ILO Convention 182. The LSL stipulates age 15, after compulsory education required by law ends, as the minimum age for employment. County and city labor bureaus enforce minimum age laws.

e. Acceptable Conditions of Work.—The Labor Standards Law mandates labor standards and addresses rights and obligations of employees and employers in the agriculture, forestry, fishery, animal husbandry, mining and quarrying, manufacturing, construction, public utilities, transportation, warehousing, communications, mass media, and other sectors designated by the Ministry of Interior. The law is not well enforced in areas such as overtime work and pay or retirement payments. By the end of 2000, the LSL covered 5.7 million of Taiwan's 6.8 million salaried workers. The CLA conducts publicity campaigns to increase public awareness of the law and has set up telephone hot lines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which remained at \$505 (NT\$15,840). While sufficient in less expensive areas, this wage does not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage is more than double the legal minimum wage, and the average for service industry employees is even higher. In 2000 the LY passed legislation to reduce working hours from 48 hours per week to 84 hours in 2 weeks. In the public sector, there is a 5-day workweek every other week. According to a CLA survey, about one-third of private enterprises also have 5-day workweeks every other week.

The law provides only minimal standards for working conditions and health and safety precautions; it gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Critics allege that the CLA does not effectively enforce workplace laws and regulations because it employs too few inspectors. During the year, there were 257 inspectors available for the approximately 300,000 enterprises covered by the Occupational Safety and Health Law. From 1999 to 2000, the number of inspections increased by 28 percent from 31,814 to 40,715. The CLA maintains that it has strengthened its safety checks at workplaces with a greater risk of worker injury and is offering training programs to help workers protect their rights. Since many enterprises are small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document but is believed to be minimal in these smaller enterprises. The CLA has established hot lines to receive complaints about safety violations.

According to CLA statistics, in June there were 324,600 legal foreign workers, including approximately 142,000 workers from Thailand, 89,000 workers from the Philippines, and 10,500 from Vietnam. In May the CLA announced that foreign workers would not be allowed to be employed on major public construction projects, and that it intended to reduce the number of foreign workers on the island by 15,000 workers per year.

The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, in 1998 foreign domestic workers were exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover authorities say that in many cases illegal foreign workers, many from Thailand and the Philippines, receive board and lodging from their employers, but no medical coverage, accident insurance, or other benefits enjoyed by citizens. In response to deteriorating economic conditions the Government adopted a proposal by the Economic Development Advisory Conference, that, beginning with contracts signed in September, room and board expenses for foreign workers may be treated as in-kind payments and deducted from foreign workers pay.

Illegal foreign workers also are vulnerable to employer exploitation in the form of confiscation of passports (making it difficult to change employers), imposition of involuntary deductions from wages (including for room and board), and extension of working hours without overtime pay. There also were reports that foreign workers often paid high agency fees to obtain jobs. In addition observers say that conditions in many small- and medium-sized factories that employ illegal foreign labor are dangerous, due to old and poorly maintained equipment. Observers have alleged that legal foreign workers are sometimes similarly exploited. The CLA urged employers not to mistreat foreign workers, and employers are subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In an effort to reduce broker fees, the CLA revoked permits of agencies charging excessive fees, and local governments inspected agency hiring practices. The CLA also negotiated direct hire agreements with labor sending countries, and encouraged NGO's to establish nonprofit employment service organizations to assist foreign laborers in locating employment.

In 2000 the CLA ended the practice of requiring foreign female workers to undergo pregnancy tests. In the past, those who tested positive were subject to immediate deportation. The CLA has established 20 offices around the island to provide counseling and other services to foreign workers; it also provides financial assistance to city and county governments to conduct inspections of places where foreign workers are employed. It is attempting to reduce the number of illegal foreign workers.

f. Trafficking in Persons.—The Statute for the Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who forces a child below the age of 18 to engage in sex or sells or pawns such a child by other means. Provisions in the Criminal Code could be used to prosecute traffickers in persons above the age of 18. Trafficking in persons is a problem.

The island remained a significant transit point and, to a lesser extent, a destination for trafficked persons. There were reports of organized crime rings trafficking in a small number of women for purpose of prostitution. The majority of cases involve women from mainland China, Thailand, or Cambodia. Criminal gangs in mainland China reportedly use deceptive measures to recruit and procure young women who were then trafficked to Taiwan-based organized crime gangs who arranged sham marriages to enable them to obtain visas to enter Taiwan, and exploited them for purposes of prostitution. Many of the victims were aware that they were to work as prostitutes, but were deceived by the traffickers about what their pay and working and living conditions would be upon arrival. Once in Taiwan, they were kept isolated, their passports held, and they were threatened with violence if they did not cooperate. Small numbers of young Malaysian women, primarily ethnic Chinese, were trafficked to Taiwan for sexual exploitation. Burmese and Indonesians also were trafficked to Taiwan. The authorities, academic experts, and NGO experts claim that the number of trafficking victims has decreased significantly in the past few years. The authorities reportedly prosecuted eight trafficking cases during 2000.

Taiwan remained a significant transit point for persons from mainland China attempting to travel illegally to the United States and other countries. Some of these illegal migrants become trafficking victims in the destination countries. In 1999 the LY enacted legislation which criminalized alien smuggling (see Section 2.d.).

Police are trained in handling trafficking, prostitution, and cases of domestic violence. The Government works with NGO's to provide counseling and medical assistance to victims as needed. Foreign victims of trafficking were repatriated as quickly as possible.

EAST TIMOR

East Timor made significant progress in establishing its institutions of democracy and governance in preparation for full independence which is scheduled for May 20, 2002; however, during its second year of independence from Indonesia, reconstruction and recovery from the September 1999 violence that ravaged the territory was a central focus of activity, and numerous problems remained. In a U.N. administered consultation vote on August 30, 1999, an overwhelming majority of East Timorese voted against autonomy (and, in effect, for independence from Indonesia), and in early September 1999, the U.N. Secretary General declared the ballot results to be "an accurate reflection of the will of the East Timorese people." As a result, in October 1999, the Government of Indonesia approved revocation of the 1978 Indonesian parliamentary decree that annexed East Timor, allowing for the establishment of the U.N. Transitional Administration in East Timor (UNTAET), which is mandated by the U.N. Security Council to establish a democratic government in East Timor. UNTAET continued to govern East Timor and the East Timor Transitional Administration (ETTA), and the National Council (NC) advised the Transitional Administrator throughout most of the year. On August 30, elections were held to elect an 88-member Constituent Assembly, which is responsible for creating a constitution for East Timor. As a result of the elections, in September UNTAET established a new governing structure, the East Timor Public Administration (ETPA). ETPA consists of 10 ministries and 4 secretariats, all headed by East Timorese. The ETPA Cabinet was selected in consultation with the UNTAET Administrator and the newly elected Constituent Assembly. The Cabinet is dominated by members of Fretilin, the party that won the majority of seats in the Constituent Assembly, but includes some "independent" members who have affiliations to smaller political parties. Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws or superceded them with its own regulations. UNTAET regulations providing for an independent

judiciary generally were respected during the year; however, the independence of the judiciary occasionally has been questioned.

In February 2000, the Australian-led International Force in East Timor (INTERFET), which arrived in September 1999, transferred military authority to UNTAET Peacekeeping Forces (UN-PKF). The UN-PKF's role was to restore and preserve basic social order and prevent violence by pro-Indonesia militias operating inside East Timor. The UN-PKF was present in the eastern and central sectors of the territory but maintained an especially strong presence on the border, where, despite repeated assurances from the Government of Indonesia, crossborder Indonesian military-supported militia incursions from Indonesia continued until mid-year. Despite such sporadic militia incursions, the security situation in most of East Timor was stable throughout the year. In January 2000, INTERFET transferred responsibility for internal security to the U.N. Civilian Police (CIVPOL). In July 2000, the first group of 50 East Timorese cadets graduated from the Police Academy and began working alongside CIVPOL, augmented by a police assistance group comprised of East Timorese who formerly were part of the Indonesian police forces. By year's end, there were more than 1,300 active members of the East Timor Police Services (ETPS) working with CIVPOL. The training of a new East Timor Defense Force (ETDF) began earlier in the year and incorporated some members of Falintil, the former East Timorese guerrilla forces. The ETDF gradually is to take over responsibilities from the UN-PKF once they have completed their training and gained some experience in the field. Although the UN-PKF began to reduce its presence in East Timor during the year, a significant number is to remain for several years.

East Timor is an extremely poor territory, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. The Asian Development Bank during the year estimated the per capita gross domestic product (GDP) to be approximately \$452. An estimated 70 to 80 percent of East Timor's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew from the territory. During the year, reconstruction proceeded slowly. The majority of the population has basic shelter and sufficient food supplies. Low-level commercial activity continued, much of which served the large foreign presence in the territory. The rural agricultural economy has recovered significantly, but unemployment remained high in the urban areas. Coffee remained the territory's only significant export, but falling world prices and a domestic export tax hindered its export. UNTAET authorities repealed the export tax in May and in July East Timor concluded an agreement with Australia over the revenue from the potentially lucrative Timor Gap oil and gas region, located in the waters between East Timor and Australia. However, the Timor Gap is not expected to be economically productive for 5 to 10 years. Property ownership disputes and the lack of a comprehensive commercial code hinder investment and related long-term development. Urban unemployment and wage and price inflation remained significant problems. Most observers believe that East Timor will remain heavily dependent on foreign assistance for the foreseeable future.

UNTAET generally respected the human rights of East Timorese. The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of numerous, serious human rights abuses by Indonesian authorities and their East Timorese allies; however, many serious problems remained. East Timorese Indonesia-backed militias based in West Timor, Indonesia, at times crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers. There were eight militia incursions during the year, but no militia personnel were killed in East Timor in clashes with the UN-PKF. One Indonesian soldier, dressed in civilian attire, was killed by UN-PKF in July after he reportedly fired across the border into East Timor. There were isolated attacks and instances of harassment of returning refugees who were suspected of being former militia members, and National Council of Timorese Resistance sponsored security groups at times were involved in such abuses. The vast majority of the prison population is composed of pretrial detainees, despite explicit protective regulations. However, by December the number of pretrial detainees for serious and ordinary crimes had been greatly reduced from the previous year. On occasion the independence of the judiciary was questioned, and the judiciary's resources remained extremely inadequate. Until its dissolution in the month preceding the August elections, the CNRT continued to benefit from its close relationship with UNTAET and at times allegedly misused its political influence for employment advantages. By the end of the year, 192,592 internally displaced persons (IDP's) had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. During the year, the Government of Indonesia announced that it would end aid to the refugee camps in West Timor and revoked ref-

ugee status for the individuals remaining; however, it had not done so by year's end. Domestic violence against women is a significant problem and customary practices discriminate against women. By year's end, most children had returned to school. However, the educational infrastructure, while significantly improved since September 1999, suffered from inadequate facilities, poorly trained teachers, and lack of educational materials. Protestants and Muslims occasionally are harassed, and in March a mob burned the mosque in Baucau. Ethnic-Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor. In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. In 2000 UNTAET established a Serious Crimes Investigation Unit (SCIU) to address abuses that were committed from January 1 to October 25, 1999 and concluded a memorandum of understanding (MOU) with the Government of Indonesia regarding legal, judicial, and human rights cooperation. The SCIU has issued 33 indictments against 82 accused militia members. In July the SCIU began prosecution of the first crimes against humanity case against 11 individuals. In December all 10 of these suspects were convicted by the Special Panel for Serious Crimes and received prison sentences ranging from 4 to 33 years; the 11th individual remained at large in Indonesia. By year's end, the SCIU has issued 7 arrest warrants for Indonesians involved in serious crimes and submitted these arrest warrants to the Indonesian government. The Indonesian Government had not responded formally by year's end. The SCIU and the Special Panel were constrained severely by insufficient staff and funding, as well as by procedural and organizational disputes with UNTAET for most of the year.

On November 6, the trial of mid-level militiaman Jacobus Bere for the July 2000 killing of U.N. Peacekeeper Private Leonard Manning, a member of the New Zealand Army Battalion, continued. Indonesian prosecutors also indicted three militia members involved in the incident. Indonesian cooperation in investigating and prosecuting Manning's assailants came only after UNTAET concluded a supplemental agreement with Indonesian authorities in West Timor in June. The trial continued at year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—A case was opened in 2000 in connection with the alleged killing of four suspected militia members in the town of Bobonaro in September 1999. On April 25, a suspect in the case who was arrested in 2000 died while in custody, allegedly from natural causes. A formal report regarding the death had not been released by year's end. The lack of a forensic pathologist in East Timor makes cases of deaths in custody difficult to investigate (see Section 1.e.).

The arrival of the INTERFET forces and the withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of numerous, serious human rights abuses, including extrajudicial killings, by Indonesian security forces. UNTAET members committed no extrajudicial killings during the early part of the year. East Timorese pro-Indonesia militias based in West Timor, Indonesia, which were armed and supported by elements of the Indonesian armed forces, crossed into East Timor and threatened, robbed, and attacked local villagers and peacekeeping forces during the year; however, the UN-PKF generally was able to prevent such abuses during the year, and no militia attacks have been reported since June. In addition violence against East Timorese former militias returning from West Timor occasionally was a problem (see Section 1.c.), although the number of such incidents decreased significantly during the year.

During 2000 there were reports that returning IDPs, alleged to have militia links, were killed. In January and February 2000, two men were killed in Ermera district. It is believed that these were retaliatory killings related to the two men's pro-autonomy sympathies. In March 2000, militia members reportedly killed a villager near Maliana. These cases remained under investigation and no charges had been filed by year's end. In April 2000, Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested in 2000, but was released during the year pending trial.

In July 2000, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse, near Suai, East Timor, where Manning's unit was patrolling the East/West Timor border

area. In November the leader of the group, Jacobus Bere, was put on trial in Jakarta, Indonesia for first- and second-degree murder following a joint Government of Indonesia-UNTAET investigation of the incident. The trial had been postponed October to November because Bere was ill. It had not concluded by year's end. Indonesian prosecutors also indicted 3 of the 5 militia members involved in the incident. Yohanes Timo and Gabriel Hale Noni were charged with premeditated murder, a charge carrying the death penalty. Fabianus Ulu faces up to 15 years in jail if convicted on the lesser charge of homicide.

In August 2000, East Timorese militia members killed Nepalese U.N. peacekeeper Private Devi Ram Jaisi and wounded four other persons (see Section 1.c.). By year's end, UNTAET and the Government of Indonesia had been unable to capture the suspects in these incidents.

UNTAET and the UN-PKF estimated that in September as many as 150 armed militia members were operating inside West Timor; during the year there were no reports of active militia in East Timor. However, in response to the killings of U.N. personnel, the UN-PKF in 2000 liberalized its rules of engagement to permit peacekeepers to shoot at militia members who are perceived to be a threat to the UN-PKF. Nonetheless by year's end, peacekeepers had not killed any suspected militia members operating within East Timor, although in July one Indonesian soldier, dressed in civilian attire, was killed in West Timor by UN-PKF forces based in East Timor after he reportedly fired across the border.

By the end of 2000, more than a dozen pro-Indonesia militia members, lacking support from the local population, had surrendered to the UN-PKF and UNTAET, and the UN-PKF believes that all of the remaining active militia members have returned to West Timor.

Elements of the Indonesian security forces (TNI) and pro-integration East Timorese militias, armed and largely supported by the TNI, were responsible for numerous extrajudicial killings in East Timor throughout 1999, especially after the results (an overwhelming vote for independence) of the August 30, 1999 consultation vote were announced (see Section 1.c.). In 2000 and during the year, UNTAET made efforts to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit in 2000 to address the most recent and serious cases (see Section 1.e.). In April 2000, UNTAET concluded a memorandum of understanding with the Government of Indonesia regarding legal, judicial, and human rights cooperation. In October 2000, UNTAET issued a warrant for the arrest of Eurico Guterres, a militia member who allegedly was involved in the 1999 mass violence in East Timor, and requested his extradition from Indonesia. However, Guterres remained in Indonesia facing trial for causing a disturbance at a September 2000 weapons handover ceremony presided over by Indonesian Vice President Soekarnoputri in Atambua, West Timor. He was being held on charges of illegal possession of weapons and instigating his followers to engage in illegal acts, but since has been released. The Government of Indonesia has made no serious effort to extradite Guterres to East Timor by year's end, and he has never been charged for the crimes he allegedly committed in East Timor in 1999.

On December 2000, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General's Office) had not taken a position or responded formally by year's end. The Government of Indonesia took some steps to convene an ad hoc human rights tribunal for East Timor, which reportedly is to try persons who committed atrocities during April and September 1999 in Liquica, Dili, and Suai. In December the Jakarta Post reported that Chief Justice Bagir Manan had announced that the tribunal would not be convened until January 2002. Bagir reportedly submitted 30 names to President Megawati Soekarnoputri for approval as ad hoc judges.

During 2000 UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) submitted its report on human rights violations in East Timor to the Indonesian Attorney General's office on January 31, 2000. The report built on an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote on August 30, 1999. The KPP-HAM members recommended the investigation of more than 30 persons, including the commander of the security forces and other high-ranking TNI and police officers. The Indonesian Attorney General announced that his office initially would prosecute five major cases arising from the 1999 violence in East Timor and for which pro-Indonesia militia groups backed by TNI forces allegedly were responsible. The cases included the April 6, 1999 massacre in Liquisa, in which at least 25 per-

sons died; the April 17, 1999 killings at pro-independence activist Manuel Carrascalao's home, in which at least 15 persons died; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of at least 3 priests, IDP's, and 160 other civilians at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The cases did not include the September 26, 1999 attack on a humanitarian convoy near Los Palos by "Team Alpha" paramilitary personnel, in which Team Alpha members killed eight persons, including nuns and religious workers. In September and October 2000, the Indonesian Attorney General's office named a total of 23 suspects (one of whom, an East Timorese militia commander, was killed by militia members in early September 2000).

In December the U.N. Serious Crimes Panel found 10 members of the pro-Indonesian Team Alpha guilty of crimes against humanity (see Section 1.e.). Of the 10 Team Alpha militiamen, 3 were sentenced to 33 years in prison and the other 7 were given sentences ranging from 4 to 23 years each. Those accused included several Indonesian army and police generals, but not then-Indonesian armed forces commander General Wiranto, former Indonesian armed forces intelligence chief Zacky Anwar Makarim, or other senior members of the Indonesian military leadership who were named as responsible parties in the KPP-HAM report. The 11th member of the Team Alpha gang has been indicted but remains at large, after Indonesian authorities refused to extradite him.

There also were efforts to hold persons accountable for killings of suspected militia members in 1999. For example, one person has been convicted for the killing of a militia member in the District of Ermera in 1999.

In 2000 the U.N. began investigating the 1975 murders of five journalists in East Timor (see Section 2.a.). The investigation continued to proceed slowly during the year due to lack of resources (see Section 1.e.).

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

There were numerous reports of abductions and disappearances in East Timor following the flight and forced relocation of more than 250,000 East Timorese civilians in September 1999. In addition dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili, reportedly were taken to West Timor in September 1999. By the end of 2000, nongovernmental organizations (NGO's) had determined the whereabouts of the vast majority of the former prisoners. Some had returned to East Timor, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—UNTAET regulations provide that all persons undertaking public duties or holding public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, and UNTAET observes these regulations in practice.

In 2000 there were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. Such mistreatment occasionally took the form of interrogations, stonings, beatings, and forced labor (see Section 6.c.). Irregular CNRT-sponsored security groups at times facilitated the abuse of such returning refugees, and CIVPOL and local UNTAET officials often permitted the CNRT security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence, or had committed abuses. This screening usually occurred once the returnees had arrived back in their home areas. Those returnees who were suspected of having committed abuses in some instances were beaten during these sessions, at times severely. For example, in early February 2000, a CNRT investigation unit (which was questioning returnees regarding past militia affiliations) beat and stabbed a militia member in Liquica. However, the returning refugees generally were reintegrated without significant problems (see Section 2.d.).

Throughout 2000 pro-Indonesia militias clandestinely entered East Timor from West Timor and threatened, robbed, and at times beat and killed local villagers (see Sections 1.a. and 2.d.). However, U.N.-PKF forces largely prevented such actions during the year.

Rivalries between members of the politically dominant CNRT and the small opposition group known as the Democratic Republic of East Timor (RDTL) occasionally led to intimidation and violence. Such violence rivalry continued during the year until the CNRT was dissolved in the months prior to the elections. The RDTL's influence and activities diminished significantly after the conclusion of the August 30 elections.

There were numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999, in addition to

the widely reported rapes of women whom the Aitarak militia group kept as sex slaves in their Dili headquarters, also during 1999 (see Section 5). In 1999 the KPP stated that it received reports that the TNI and the militias had raped 60 women in East Timor during the September 1999 wave of violence. In 2000 the Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai; however, the case had not been prosecuted by year's end. A Serious Crimes Investigation Unit (see Section 1.e.) special team established to address sexual violence continued to investigate numerous other rape cases. All educational campaigns against the abuse of women target domestic violence, not rape. Police generally investigate cases of rape; however, the police unit that focuses on such cases lacks sufficient resources and staff to vigorously pursue all reported cases. Cases of East Timorese women whom Indonesian soldiers and civilian personnel allegedly raped in previous years remained unresolved.

Igidio Manek, vice chairman of the Laksaur militia, kidnaped and raped 15-year-old Juliana dos Santos in 1999. He subsequently brought her to West Timor to live in a refugee camp. According to human rights organizations, she gave birth to Manek's son in November 2000. Manek rejected her family's attempt to meet with her privately in March. During an April interview, dos Santos, who is 18-years-old appeared with facial injuries, claimed that she could not return because she had a baby. Manek was jailed in Kupang, West Timor on unrelated charges.

Prison conditions generally meet international standards, and UNTAET permits visits by independent human rights monitors. The prison has been unable to guarantee separate accommodation for juveniles in detention, as dictated in the regulations. The separate juvenile block has been finished; however, the block was used to house international inmates and several mentally ill prisoners. Forty-seven juveniles were held in pretrial detention during the year and only one has received a jail sentence. There are no services to assist persons with mental illnesses.

d. Arbitrary Arrest, Detention, or Exile.—UNTAET regulations, which are based on the U.N. Convention on Civil and Political Rights, explicitly preclude arbitrary arrest and detention, and require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention. UNTAET regulations provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence of over 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources have hindered this review, and some persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. Throughout the year, roughly 25 percent of all detainees were overdue for review of their pretrial detention. Two-thirds of the total prison population were pretrial detainees at year's end. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried a sentence of over 10 years. UNTAET's general policy is to keep the prison population as low as possible. Consistent with this approach, during the year 236 detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. By year's end, the number of pretrial detainees for serious and ordinary crimes had been reduced greatly from the previous year.

In East Timor, arbitrary detention of persons suspected of proindependence sympathies by prointegration militia groups was a continuing problem in the months prior to and shortly after the September 1999 consultation. However, in 2000 and during the year, there were few reports that UNTAET officials arbitrarily detained persons. The one known exception occurred in September 2000, when a foreign reporter was arrested for "offending the dignity" of the CNRT president (see Sections 1.e. and 2.a.). There also were no confirmed reports of militia groups having committed such abuses in East Timor. While there were reports that Falintil members detained some persons in their cantonment area at Aileu, it was not clear whether the detainees were in "protective custody" (some suspected militia members ended up in Aileu after being driven from their home areas) or held against their will.

UNTAET prohibits forced exile and there were no reports of its use.

e. Denial of Fair Public Trial.—UNTAET regulations require the establishment of an independent judiciary in East Timor. Section two of the Court Law provides that judges perform their duties "independently and impartially" without "improper influence." Similarly UNTAET regulations established a Prosecution Law that requires that all public prosecutors discharge their duties impartially. These regula-

tions generally were respected during the year; however, the independence of the judiciary occasionally has been questioned. For example, following disturbances in Dili in April 2000, a judge reportedly issued arrest warrants at the request of CNRT officials. In September 2000, the Dili District Court ordered the arrest of a Japanese reporter for “offending the dignity” of CNRT President Xanana Gusmao—a crime under the Indonesian Criminal Law Code that the East Timor courts continued to use during 2000, despite Indonesia’s revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case (see Sections 1.d. and 2.a.).

In March 2000, UNTAET created a civil law court system with 13 district courts and 1 national Court of Appeal. The law later was amended to include a court system of only four district courts and one national Court of Appeal. In June 2000, UNTAET established a public prosecutor’s office. ETTA made progress in creating a legal basis for the justice sector, but continued to face serious challenges in recruiting and training a sufficient number of qualified judges, prosecutors, and defense lawyers. The judiciary’s shortage of personnel largely accounts for UNTAET’s inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.). The Dili District Court and the Baucau District court are the only fully functioning courts due to the lack of East Timorese judicial and legal personnel.

In March 2000, UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. However, the UNTAET Serious Crimes Investigation Unit was understaffed and underfunded, limiting its ability to investigate the 10 priority incidents related to the 1999 atrocities. In an effort to overcome these difficulties the Serious Crimes Investigation Unit was reorganized in December and additional resources have been allocated. However, insufficient staff and funding for a weak justice sector continue to slow down prosecutions. For example, there is only one functioning Special Panel able to hear a Serious Crime case. By year’s end, the General Prosecutor in Dili had filed 33 indictments against 83 accused militia members for serious crimes, 11 of which involved crimes against humanity. UNTAET’s ability to employ fully this legal mechanism and to begin prosecutions was constrained severely by insufficient staff and funding and by procedural and organizational disputes within UNTAET.

The Crimes Panel, which consists of two international judges and one East Timorese judge, has exclusive and “universal” jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offense, and torture that occurred between January 1 and October 25, 1999. In June UNTAET created a corresponding Serious Crimes Prosecution Division under the General Prosecutor. This unit then incorporated an internationally staffed Serious Crimes Investigation and Prosecution Unit that originally was created during the early part of the year under the office of Human Rights Affairs. UNTAET also adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel. On December 11, 2000, UNTAET filed the first indictments against Indonesian and pro-Indonesia suspects. Those persons indicted included both Indonesians and East Timorese; at year’s end, some suspects remained in detention in Dili while others remained at large in Indonesia. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, by year’s end, the Government of Indonesia had refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia. Nonetheless the Serious Crimes Panel handed down some sentences. On January 25, Joao Fernandes was tried for murder and received a sentence of 12 years and Augustino da Costa, who was convicted in July of killing a local employee of the U.N. Mission in East Timor, received a 15 year prison sentence.

In May NGO’s helped to create the Judicial System Monitoring Program (JSMP), which assists the UNTAET by making recommendations for ongoing reform of the judicial system. The JSMP sent legal observers to monitor the serious crimes trials, provided legal analysis, and disseminated information regarding the judicial system as a whole.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.— UNTAET prohibits such actions, as provided by relevant U.N. human rights covenants, and UNTAET generally respects these prohibitions in practice. However, prior to its dissolution, the CNRT received material support and derives legitimacy from its close relations with UNTAET; other political entities did not enjoy such advantages (see Section 3). There were credible charges that the CNRT used its polit-

ical position to influence the allocation of jobs in education, possibly including illegally adding names to payrolls in past years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—UNTAET regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights, and UNTAET generally respected these rights in practice.

There are 2 daily newspapers, 2 weekly newspapers, and several bulletin newspapers that are printed in sporadic fashion. Their editorials freely criticize UNTAET, and other political entities. One of the newspapers was founded during 2000. In addition there are six radio stations, three in districts outside Dili. While insufficient financial resources and facilities have constrained the development of independent print and broadcast media, there are no political or legal impediments to new entries to the media market.

In September 2000, a foreign reporter was arrested for “offending the dignity” of the CNRT president; he later was released (see Sections 1.d. and 1.e.). In August 2000, a court found that the reporter had a legal basis to demand compensation, but that he had filed suit against the wrong person. No one has been held accountable for the September 1999 killing of Dutch journalist Sander Thoenes in Dili by assailants believed to have been members of the Indonesian Battalion 745. In September 2000, it was announced that the U.N. was investigating the October 1975 murders of five Australia-based journalists in East Timor (see Section 1.a.).

UNTAET operates one television and one radio station. There are an additional five private radio stations, three in districts outside Dili.

Although the telecommunications infrastructure largely is underdeveloped, there are no legal or administrative restrictions on Internet access.

UNTAET respects academic freedom. The University of East Timor reopened in a new location in November 2000 after the university’s previous facilities were destroyed in September 1999.

b. Freedom of Peaceful Assembly and Association.—UNTAET regulations provide for the freedoms of assembly and association as stipulated in the U.N. International Covenant on Civil and Political Rights, and UNTAET generally respected these rights in practice. Many peaceful demonstrations occurred throughout the year. Most demonstrations centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

UNTAET strongly advocates for the freedom of political parties (see Section 3).

c. Freedom of Religion.—UNTAET regulations provide for freedom of religion, and representatives of the Roman Catholic Church, Protestant churches, and the Islamic community have some political influence. More than 90 percent of the population is Roman Catholic. The relatively few Protestant churches previously were identified with the Indonesian military forces and pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to harassment of church members in the past; however, during the year, there were no further attacks on Protestant churches such as those that occurred in June 2000, in Aileu district (see Section 5).

The small Muslim community consists of ethnic East Timorese as well as ethnic Malay migrants from other parts of Indonesia who have lived in East Timor for many years. The former group was well integrated into East Timorese society, but the latter group experienced some harassment. In March a mob burned the mosque in Baucau (see Section 5). Residents reportedly targeted the mosque as a result of local animosity toward a Jordanian Rapid Reaction Unit based nearby. The mosque was rebuilt by the community with the financial assistance of foreign donors.

Some Muslim groups at times were victims of harassment. The Dili mosque remains inhabited by ethnic Malay Muslim migrants who initially fled from East Timor during the violent period in September of 1999. Some migrants returned shortly after INTERFET forces took control, but some fear returning to their homes and have been harassed by East Timorese Muslims who want control of the Dili mosque, and on December 31, 2000, local gangs attacked the main mosque in Dili injuring three persons in the mosque (see Section 5).

There were no arrests in cases related to religious violence or attacks against churches and mosques (see Section 5). UNTAET’s ability to respond to such attacks was hindered by insufficient prison space and a lack of judicial resources (see Section 1.c. and 1.e.). The activities of foreign missionaries are not restricted. Religious instruction is not officially required in public schools.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights and UNTAET generally respects them in practice.

During the year, the Indonesian government restricted the freedom of movement of residents of the Oecussi enclave, physically separated from the rest of East Timor by Indonesian territory. A passenger ferry between Oecussi and the rest of East Timor was discontinued due to safety concerns, making the land route through Indonesia the only link to the rest of East Timor for Oecussi residents. UNTAET was organizing a new passenger ferry service, but the ferry was not in operation by year's end.

Throughout 2000 and during the first half of the year, pro-Indonesia militias entered East Timor from West Timor and attacked, threatened, and at times killed local villagers (see Sections 1.a. and 1.c.). However, the UN-PKF was able to reduce militia activities and no militia attacks have been reported since June. The fear of such violence until June at times led East Timorese residents to abandon their villages temporarily. For example, in August 2000, militia members who penetrated East Timor as far as the Manufahi district, in the central sector, caused more than 1,000 local residents to flee their villages for fear of militia attacks.

During the year, UNTAET worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of IDP's from West Timor to East Timor, including the provision of transportation, shelter, and food. Working in cooperation with NGO's, UNTAET, the IOM, and the UNHCR have resettled in East Timor an estimated 190,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere in September 1999. In November East Timor's independence leader Xanana Gusmao called for thousands of refugees in Indonesia-run West Timor to return to East Timor. During the year, the Government of Indonesia announced that it would end aid to the refugee camps in West Timor and revoked refugee status for the individuals remaining; however, it has not done so by year's end.

UNTAET provides for the granting of asylee and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

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

By UNTAET mandate, citizens have the right to change their government through periodic elections. On August 30, elections were held to elect members to a Constituent Assembly responsible for creating a constitution. As a result of the elections, in September UNTAET established a new governing structure, the East Timor Public Administration (ETPA). The ETPA consists of 10 ministries and 4 secretariats, all headed by East Timorese. The cabinet was selected in consultation with the U.N. Transitional Administrator and the newly elected Constituent Assembly. The 26-member ETPA cabinet, consisting of Ministers, Vice-Ministers, and Secretaries, is dominated by members of Fretilin, the party that won the majority of seats in the Constituent Assembly. The CNRT disbanded later in the year, when its members left the organization as the elections approached to campaign for their individual parties. The Constituent Assembly and the new Cabinet assumed the roles previously held by the CNRT. However, the cabinet also includes three members of the smaller Democratic Party, as well as nine independent members, some of whom are affiliated with smaller political parties. UNTAET, led by Transitional Administrator Sergio de Mello, is to retain ultimate executive authority on behalf of the U.N. Security Council until East Timor's full independence, scheduled for May 20, 2002. Presidential elections are scheduled for April 14, 2002.

The Constituent Assembly elected on August 30 consists of 88 members. Seventy-five seats were allocated based on a national ballot of political parties and independent candidates, and 13 were seats allocated based on a district ballot in each of East Timor's 13 districts. The Constituent Assembly was formed to write a constitution to determine the structure of government and division of powers for an independent East Timor. The Constitution originally was scheduled for completion on December 15; however, the UNTAET Administrator granted the Constituent Assembly a 30-day extension. By end of February 2002, the constitution is expected to be completed.

Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws, superseded them with its own regulations, or where Indonesian law violates international human rights standards.

In January 1999, the Government of Indonesia announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a

U.N.-sponsored agreement concluded between Indonesia and Portugal in May of that year. Following the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the referendum. After three postponements due to a fragile security situation, the referendum was held on August 30, 1999. Militia groups backed by Indonesian armed forces attempted, through numerous killings, attacks, rapes, and other abuses, to intimidate the East Timorese population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all; nevertheless, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. However, in the period after the announcement of the results, incidents of mass killing, violence, and destruction were reported widely throughout the province (see Sections 1.a., 1.c., 2.d., 4, and 5). However, in October 1999, the Indonesian Parliament approved revocation of the 1978 parliamentary decree that annexed East Timor, allowing for the establishment of UNTAET. In late October 1999, UNTAET became responsible for maintaining a police and military apparatus in East Timor.

UNTAET is mandated by the U.N. Security Council to establish a democratic government in East Timor. In July 2000, UNTAET established a new governing structure, the East Timor Transitional Administration. The ETTA cabinet consisted of nine ministries. UNTAET officials headed the ministries of Internal Security, Justice, Political, Constitutional and Electoral Affairs, and Finance. East Timorese headed the ministries of Internal Administration, Infrastructure, Economic Affairs, Foreign Affairs, and Social Affairs. An UNTAET-appointed 36-member National Council (NC) in October 2000. The NC, a body of representatives appointed by UNTAET, also in close consultation with the CNRT, is responsible for exercising important policy decisions concerning East Timor's transition process. The NC is comprised entirely of East Timorese, representing the 13 districts, the CNRT, other political groups, and a variety of NGO, youth, and religious groups.

In the latter part of 2000, disagreement within the CNRT complicated the political situation. Following the CNRT Congress in August 2000, the leaders of the two largest pre-Indonesian era parties, Fretilin and the Timorese Democratic Union (UDT), broke relations with the CNRT leadership and refused to participate in the CNRT-successor organization, the CNRT/National Congress.

In December 2000, in his capacity as President of the CNRT, Xanana Gusmao presented to the NC a proposed timeline for the process leading to the election of a constituent assembly, the drafting and adoption of a constitution, and eventual independence. UNTAET, the CNRT, and the NC devised the plan that is being implemented for East Timor's first constitution and subsequent government.

UNTAET advocates the freedom of political parties and adheres to the U.N. International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, prior to its dissolution in the months preceding the CNRT received material support and derived legitimacy from its close relations with UNTAET; other parties did not enjoy the same advantages. During 2000, there were credible charges that the CNRT used its political position to influence the allocation of jobs (see Section 1.f.).

The percentage of women in government or politics does not correspond to their percentage of population; however, UNTAET and the CNRT have made significant efforts to include women in appointed political bodies. Twenty-four women were elected to the new 88-seat Constituent Assembly. This was taken to be a positive sign by some of the main women's rights organizations in East Timor. In March the National Council approved a draft election law, but rejected an article concerning compulsory quotas for the number of female candidates. Three of the top positions in the ETPA cabinet are held by women: The Minister of Justice, the Minister of Finance, and the Secretary of Commission on Planning. However, women remained underrepresented in the government and politics, particularly in top leadership levels.

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

A wide variety of domestic and international human rights groups generally operate without UNTAET restriction, investigating and publishing their findings on human rights cases. UNTAET officials are cooperative and responsive to their views. There are no restrictions on the right of persons to form NGO's. Numerous NGO's were established during 2000 and during the year, devoted to a wide variety of civil society issues.

UNTAET adheres to the Universal Declaration on Human Rights, and actively has promoted investigation of human rights abuses occurring in East Timor. On October 15, 1999, the UNHCR appointed the International Commission of Inquiry on

East Timor (ICIET), which issued a report in January 2000 that made several recommendations, including that an international tribunal be established to prosecute those responsible for the mass abuses. UNTAET facilitated visits to East Timor of members of the KPP–HAM (see Section 1.a.). Within UNTAET there is a Human Rights Unit and a Serious Crimes Investigation Unit to investigate past human rights violations and to bring the perpetrators of past abuses to justice (see Section 1.e.). Nevertheless, resource constraint as well as procedural and organizational disputes within UNTAET have hampered progress on these investigations (see Section 1.e.). UNTAET also engaged a special rapporteur to produce a comprehensive report on human rights abuses in East Timor since 1975. The report had not been published by year's end.

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

UNTAET regulations prohibit all forms of discrimination. Nonetheless violence against women is a problem, as is discrimination against women and religious and ethnic minorities.

Women.—Domestic violence against women is a significant problem in East Timor. In December East Timor's chief minister, Mari Alkatiri, expressed concern over mounting domestic violence against women, claiming that "cases of domestic violence are increasing" and that many "consider the beating of women to be a private affair."

Customary practices in East Timor discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. UNTAET regulations implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; however, discrimination complaints were not a priority during the year, and no cases have been reported. UNTAET created a Gender Affairs Unit within ETTA and this unit continues under ETPA as the Office for the Promotion of Equality. The unit provides training to women entering public service and it attempts to ensure women have a voice in the new government and civil society structures. Guidelines for mainstreaming gender equality in the civil service also were developed but had not been widely implemented by year's end.

There were no reports of gender-based employment discrimination during the year; however, women usually deferred to men when job opportunities arose at the village levels.

Rape is a punishable offense, as specified by Indonesian law. Few cases of rape have been prosecuted in the courts, although there was one indictment and numerous charges during the year (see Section 1.c.). As of September, 42 rape cases had been reported to the Civilian Police but few of these cases have resulted in prosecutions. Women's groups were concerned that the CNRT was encouraging women to resolve rape and domestic violence cases through traditional rules, which usually provide only for compensation to be paid to the victim. In such cases, the perpetrator is not held accountable under criminal laws and the punishment falls short of international standards. UNTAET has attempted to address this issue by establishing a Vulnerable Persons Unit to address cases of violence against women and other vulnerable groups.

There were several allegations of sexual misconduct on the part of the PKF and CIVPOL. One CIVPOL member was arrested and was being tried on rape charges at year's end. UNTAET regulations prohibit prostitution; however, UNTAET has not released comprehensive statistics regarding prostitution.

It is alleged widely that TNI-backed militias raped numerous women during the September 1999 violence in East Timor, and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia.

The East Timorese Women's Forum, (FOKUPERS), offers some assistance to women who have been victims of violence, and has established a women's and children's shelter for victims of domestic violence and incest. East Timor Women against Violence (ETWAVE) is an East Timorese human rights NGO that advocates on behalf of women. Women's NGOs have an organizing secretariat in various NGOs, with assistance by the U.N. Many of these district-based, local organizations also have set up informal and formal shelter mechanisms and advocacy activities.

In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor (see Section 6.f.).

Children.—Primary education is compulsory and free; however, while the majority of children returned to school in 2000 and during the year after having fled their

villages during the 1999 violence, a shortage of schools and educational materials remained at year's end. The Government was rebuilding and replacing the educational infrastructure destroyed by the Indonesian military and pro-Indonesia militias in September 1999; Many primary and secondary schools were rebuilt during the year and the Government heavily relies on international aid in its efforts to rebuild educational infrastructure. The Government has coordinated widespread inoculation programs and provides free medical care in many areas of the territory.

Persons with Disabilities.—UNTAET has not enacted legislation or otherwise mandated a provision of accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. Nonetheless there are no reports of discrimination against persons with disabilities in employment, in education, or in the provision of other state services. There is only one school for children with disabilities (in Dili) that was able to serve only 1/3 of their pre-1999 enrollment. As class sizes and access to school in many districts are restrictive to students with disabilities, many children with disabilities do not attend school. Training and vocational initiatives do not give attention to the needs of persons with disabilities.

Religious Minorities.—There were isolated instances of communal and sectarian violence during the year, although such incidents also had strong political and cultural undertones. For example, in March a mob burned the mosque in Baucau. Residents reportedly targeted the mosque as a result of local animosity toward a Jordanian Rapid Reaction Unit based nearby. The mosque was rebuilt by the community with the financial assistance of foreign donors. At times Protestants also have been harassed; however, during the year, there were no further attacks on Protestant churches such as those that occurred in June 2000, in Aileu district. One of the churches was rebuilt during the year with assistance from the entire community, including Protestants and Catholics.

East Timor's small Muslim community consists of ethnic Timorese and ethnic Malay migrants from Indonesia. Ethnic East Timorese Muslims generally are well-integrated into society, but ethnic Malay East Timorese Muslims are not well-integrated and experienced some societal harassment during the year. In the early months of 2000, a group of approximately 250 ethnic Malay Muslims residing at the mosque compound in Dili were harassed by local youth gangs who were throwing stones at the mosque and surrounding structures. Such harassment appeared to have abated during the latter part of 2000; however, on December 31, 2000 local gangs attacked the main mosque in Dili, injuring three persons. The mosque members' resistance to the gang's demand for a car reportedly precipitated the violence.

There were no arrests in cases related to attacks on churches or mosques, largely because of insufficient resources (see Sections 1.c., 1.e., and 2.c.).

National/Racial/Ethnic Minorities.—Ethnic Chinese businessmen have been subjected to extortion and harassment, at times from elements reportedly associated with the CNRT, which accuses the Chinese businessmen (who make up less than 1 percent of the population) of, among other things, financially backing rival groups. Local gangs have harassed ethnic-Malay Muslims. In addition there have been tensions between the Makasai-speaking group of East Timorese origin located in the eastern part of the island and Tetum-speaking and other ethnic groups near Dili.

Portuguese and Tetum are the proposed official languages of East Timor in the draft constitution, although only a small minority of the population speaks Portuguese. UNTAET uses Portuguese, English, Bahasa Indonesia, and Tetum, with English as its working language. The majority of non-Portuguese speakers, especially younger persons educated under the Indonesian system, claim that non-Portuguese speakers are discriminated against in filling political and civil service positions.

Section 6. Worker Rights

a. The Right of Association.—UNTAET generally applies Indonesian labor statutes, with some modifications to suit local conditions. Indonesian law permits private sector workers to form and join worker organizations without prior authorization, and unions may draft their own constitution and rules and elect their representatives; however, attempts to organize workers generally have been ineffective due to a lack of organizational skills. Nonetheless a teacher's union and a nurses' union were formed during the year. These unions were weak, but active. It is estimated that roughly two-thirds to three-quarters of East Timor's work force is engaged in subsistence agriculture, and thus is not employed for pay. Dissatisfied workers or disappointed job applicants frequently resorted to strikes, demonstrations, and sometimes destruction of property. Disputes usually centered on demands for higher salaries or severance pay for jobs in which short-term contracts have expired. In the absence of organized labor unions, many of these disputes were re-

solved through the arbitration of local NGO's or the Department of Labor under UNTAET/ETPA. Slow progress in writing a new labor code has restricted labor action in many sectors.

b. The Right to Organize and Bargain Collectively.—While collective bargaining is permitted, workers in East Timor generally have little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

There were no reports of export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Indonesian law still in effect in East Timor prohibits forced labor; however, during the year, local leaders informally required a number of returnees accused of involvement in the post-consultation destruction of September 1999 to engage in compulsory labor as a means of punishing them for their alleged offenses (see Section 1.c.). Examples of such compulsory labor included repairing damaged structures and community service in villages. UNTAET tolerated this practice.

Forced or bonded labor by children is not known to occur (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Indonesian law prohibits children under the age of 15 from working more than 4 hours per day; however, UNTAET has not addressed the issue of child labor, and numerous children in East Timor, especially in rural areas, work in the agricultural sector. UNTAET prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor (see Section 6.f.).

e. Acceptable Conditions of Work.—UNTAET can not provide for a decent standard of living for a worker and family. An UNTAET directive provided for a minimum wage of \$65 per month, however, with the expected approval of the new Labor Code, new minimum requirements are being investigated. The minimum wage is not enforced in practice. Indonesian laws still in effect provide for minimum standards of worker health and safety, days off, and other standard benefits. Indonesian law provides for a maximum workweek and overtime; however, in practice UNTAET has been unable to enforce this law effectively. UNTAET has not reported that significant numbers of workers are exploited. There are no restrictions on the rights of workers to file complaints and seek redress.

f. Trafficking in Persons.—Applicable Indonesian law prohibits the trafficking in women and children, whether for the purposes of prostitution or for forced labor; however, in the past there have been unconfirmed reports of trafficking of women and children from Indonesia to East Timor.

There were over 2,000 children separated from their parents during the forced exodus to West Timor in 1999. Trafficking has not been reported during the year; however, the problem of children separated from their parents remained a concern. During the year, the UNHCR and the IRC stated that there were approximately 1,600 children that remained separated from their parents. Of these "separated children," 500 were in East Timor and more than 1,000 were in West Timor. An estimated 170 children were taken from the camps in West Timor in 1999 and 2000 to orphanages in Java. Eight of these children were reunited during the year.

FIJI

Following the armed takeover of Parliament and subsequent coup in May 2000, the country's political situation has remained unsettled. Ten days after the takeover of Parliament by armed ethnic Fijian supremacists, the country's security forces illegally seized power and claimed to have abrogated the Constitution. This action led to the issuance of an Emergency Decree by the President (as opposed to imposition of martial law) and the appointment of a military-backed, civilian interim administration by the military in July 2000. Although originally set to expire in September, the Emergency Decree expired on October 5. The Court of Appeal held on March 1 that the Constitution remained in force. After the decision, the military-backed civilian interim administration gave way to a military-backed caretaker administration with the same Prime Minister and many of the same ministers in the Cabinet. Parliamentary elections were held between August 25 and September 1, per the Constitution, and were observed by teams from the U.N., the Commonwealth, and the European Union; they generally were regarded as free and fair. Interim and caretaker Prime Minister Laisenia Qarase's Soqosoqo Duavata Ni Lewenivanua (SDL) party received the largest number of seats in Parliament, and Qarase was asked to form a government by President Iloilo. However, despite a constitutional

provision requiring that any party receiving more than 10 percent of the seats in Parliament be offered inclusion in Cabinet, Qarase formed a Government which excluded the Fiji Labor Party (FLP), led by deposed Prime Minister Mahendra Chaudhry. Chaudhry subsequently took legal action against Qarase; the case was scheduled to be heard in February 2002. The judiciary continued to function, and court decisions during the year helped to affirm the independence of the judiciary. The leaders of the May 2000 armed takeover of Parliament have been charged with treason, but their case was postponed several times and, at year's end, was scheduled for January 2002.

The Republic of Fiji Military Forces (RFMF), a small professional force, come under the authority of the Ministry for Home Affairs, as do the police. The Fiji Intelligence Service was dissolved by the Cabinet in 1999, but its functions were absorbed by the Police Special Branch and by an analytical unit that was established in the Ministry of Home Affairs. The police are an unarmed civilian force. Police and military forces committed human rights abuses.

Ethnicity remains a dominant factor in the country and affects the country's politics, economy, and society. The population of approximately 845,000 is a multiracial, multicultural mix, with indigenous Fijians comprising 51 percent, Indo-Fijians (descendants of immigrants from the Indian subcontinent) approximately 44 percent, and Asians, Caucasians, and other Pacific Islanders making up the rest. The ethnic division is illustrated by the contrast between the private and public sectors; Indo-Fijian families largely control most private businesses, while indigenous Fijians largely head the government ministries and the armed forces. One of the primary goals of the newly elected government is an affirmative action program, or "Blueprint," designed to aid indigenous Fijians in education and business. Sugar and tourism account for more than half of foreign exchange earnings. Investment is depressed due to continuing concerns over the resolution of land lease issues and political upheaval. While the country's major trading partner, Australia, lifted sanctions following the August elections, growth in key sectors such as sugar, tourism, and garments remains slow. Concerns over political stability continue to affect tourism negatively, although this industry is improving slowly. The gross domestic product has declined by an estimated 10 percent since 1999. Skilled workers and professionals have departed the country in large numbers. Health and education services in particular were affected.

The Government's human rights record remained poor, although it improved somewhat after the elections in August and September, and some serious problems remain. The Constitution contains provisions that reduce previous factors that abridged the right of citizens to change their government; however, it also maintains a partially ethnically based electoral system. The ethnic divide between the SDL (mainly composed of indigenous Fijians) and the FLP (mainly composed of Indo-Fijians) remains an obstacle to long term political stability. Ethnically based discrimination remains a serious problem. A number of government policies, including hiring practices, education policies, and land tenure preferences continue to provide protection for indigenous Fijian interests in accordance with the Constitution. Other human rights problems include several political and arbitrary or unlawful deprivations of life; occasional police and military abuse of detainees and suspects; informal and formal constraints on the freedom of speech and the press and self-censorship; restrictions on freedom of assembly and movement; violence and discrimination against women; instances of abuse of children; and racial discrimination and violence.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

During military involvement in a police drug operation in July, a soldier in civilian clothes shot and killed a farmer who was cultivating marijuana. The police reported that the soldier acted in self-defense. However, eyewitness reports from villagers claimed that the soldier shot the farmer without cause. At year's end, no action had been taken against the soldier.

The November 2000 mutiny at Suva's Queen Elizabeth Barracks caused 8 deaths, 3 of which were loyalist soldiers, and approximately 24 other military casualties. Five mutineers were killed after being taken into custody by loyalist troops. Many of the mutineers were members of a special forces unit involved with the May 2000 takeover of Parliament.

On August 3, 2000, President Ratu Josefa Iloilo published an immunity decree stating that members of the Disciplined Forces (persons in active or discharged military positions who participated in events while the Emergency Decree was in effect) are "immune from criminal prosecution or from any civil suit; and shall not be responsible or liable in criminal or civil law or for breach of any other laws." This announcement, issued under the Emergency Decree, would free a law enforcement officer or soldier of any civilian charges brought against him in connection with acts relating to the May 2000 takeover of Parliament or the November 2000 mutiny. By year's end, no legal or disciplinary action had been taken against soldiers involved in the deaths of the five mutineers.

At year's end, the Government had not taken action against the security officers who killed a prisoner during the prison disorder at Naboro prison in July 2000.

b. Disappearance.—There were no reports of politically motivated disappearances. Following the November 2000 mutiny, a soldier was taken from his home by security forces. His body was discovered a few days later (see Section 1.a.). At year's end, no action had been taken against those responsible for his death.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for freedom from torture and cruel, inhuman, degrading, or disproportionately severe treatment or punishment. Police and military personnel have abused detainees and defendants on bail. No offenders were punished for past abuses; however, there were no reports of abuse during the year.

In August a soldier shot a disorderly, speargun-wielding man in the knee; the man was deaf and did not respond to an order to halt.

The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts, but the courts seldom invoke this provision. In response to public concern regarding police brutality, the Human Rights Coalition conducted training courses for police field investigators, sergeants, and prison officers in May.

There were many arrests, beatings, and abuses of persons by civil and military security forces during the responses by loyal forces in July 2000 to the May 2000 takeover of Parliament by rebels and to the November 2000 mutiny. Several persons were beaten while in the custody of the police or security forces in 2000, and some died as a result. There also were reports in 2000 of the arbitrary arrest of persons by civil and military authorities followed by beatings and release in remote places.

After the May 19, 2000, takeover of Parliament and subsequent military coup, there was unrest in many parts of the country; considerable violence was directed against Indo-Fijian settlements, and police sometimes participated in the violence. By year's end, no action had been taken against police and armed forces personnel involved in such incidents.

Corruption in the police force is a problem. Undertrained police officers receive only on-the-job instruction, which (according to some) contributes to the problem of corruption. In two incidents, police officers were charged with stealing from the scene of a crime. During the investigation of the killing of Red Cross director John Scott on July 1, police officers were accused of theft; the officers were punished administratively. In an incident in October, two police officers were accused of attempting to steal a goat; they were not punished. Authorities hoped that with a new Government, increased funding, and the formation of a police union, corruption among the police will abate.

Prison conditions do not meet international standards, and prison conditions, particularly at Suva and Naboro Prisons, are extremely harsh. Food and sanitation in prisons are limited. There were 1,100 prisoners in 18 prisons countrywide; however, the combined capacity for all of the prisons is 800 inmates. Men and women are housed separately; juveniles are held separately from adults. The Government lacks adequate resources to improve prison conditions.

The Government maintained a separate detention center on Nukulau Island outside of Suva to hold alleged coup leader George Speight and a number of his supporters, who are charged with treason. Family members are permitted to visit. Lawyers are permitted extremely limited access. The police continued to investigate Speight, his supporters, and those who financed the attempted takeover of Parliament in May 2000. During the year, 42 individuals were incarcerated in connection with this action, 27 had charges dropped or reduced; and at year's end, 15 were still in protective custody awaiting trial.

By year's end, no action had been taken against prison officials involved in the death of an inmate and injuries to 15 others at the Naboro prison in July 2000.

The Government permits visits to prisons, other than restricted Nukulau Island, by church groups, family members, and the Fiji Red Cross; however, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2000 mutiny (see Section 1.a.). The

International Committee of the Red Cross (ICRC), which established a permanent office in the country during the year, has been denied access to prisoners on Nukulau.

d. Arbitrary Arrest, Detention, or Exile.—The law provides that a person may be arrested only if police believe that a criminal law has been broken or is about to be broken. Arrested persons must be brought before a court without “undue delay.” This requirement normally is taken to mean within 24 hours, with 48 hours as the exception. Under the Emergency Powers Decree, in force throughout much of the year, the police and military forces could detain individuals for up to 7 days before charges were brought.

Rules governing detention are designed to ensure that suspects are questioned fairly. Detainees have the right to a judicial review of the grounds of their arrest. Incommunicado and arbitrary detention, both illegal, occasionally occur.

There were no reports of arbitrary arrests and beatings during the year. Persons were not released and then quickly rearrested by security forces to comply technically with the Emergency Powers Decree, as happened in 2000.

Family members and international nongovernmental organizations (NGO’s) questioned the lengthy detention without charge of persons allegedly involved in the November 2000 mutiny. At year’s end, more than 30 soldiers of the First Meridian Squadron remained in military detention while investigations continued. Access to these detainees by the ICRC was prohibited (see Section 1.c.). Family access is restricted severely, and the detainees have been moved repeatedly for security reasons.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary. The takeover of Parliament in May 2000 and subsequent events, including the putative abrogation of the Constitution and effort to abolish the Supreme Court, placed the status of the judiciary in question. However, subsequent decisions by the Court of Appeal during the year and their acceptance by the Government and opposition have solidified the independence of the judiciary and the primacy of the Constitution.

The independence of the High Court, in particular that of the Chief Justice, was questioned following the participation of the Chief Justice in drafting a number of the decrees issued by the military-backed civilian interim administration in 2000. One of the decrees extended the time in office of the Chief Justice. The Chief Justice also was criticized for his role in “interfering” in a case brought in 2000 by the deposed Chaudhry Government in Lautoka and for deciding to exclude the public and media from hearings regarding the conduct of the Police Commissioner. In October 2000, the Lautoka court rebuked the Chief Justice for attempting to move a case in which he was one of the accused to Suva and for attempting to select a judge to hear the case. A number of judges resigned. In July 2000, the Chief Justice also used the Emergency Decree to extend the mandatory retirement age for his position. Fiji’s Law Society met in 2000 and periodically during the year; it issued a number of critical statements regarding the status of the judiciary.

The judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. However, in late May 2000, the Supreme Court was abolished by decree; the Court of Appeal, the High Court, and the magistrate courts continued to function. There are no special courts; military courts try members of the armed forces. Magistrate courts continue to try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights in addition to its jurisdiction in serious civil and criminal cases.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate courts do not. In litigation involving lesser complaints, a public legal advisor assists indigent persons in domestic or family law cases. The right of appeal exists but continued to be hampered by delays in the appeals process. Bail is granted freely, but there is no provision for bail in cases of treason. During the year, the courts ruled that murder suspects are eligible for bail; however, many defendants experienced pretrial detention, and the delay in bringing cases to trial was becoming a problem.

The courts have a serious backlog of cases, and there are too few prosecutors. The Human Rights Commission (HRC) was able to secure bail and then release for six murder suspects in two separate cases, based on the denial of a fair and speedy trial. Each suspect had been in custody for over 18 months, and the HRC argued that the rights of the suspects had been denied; they were released in July. The Muanikau Accord between the rebels and the military regime, which led to the re-

lease of the hostages taken at Parliament in May 2000, included an immunity decree for the rebels covering unspecified “political crimes.” However, in July 2000, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. During 2000 the High Court ruled that the immunity decree did not apply to one rebel leader, and treason charges against several other leaders were dropped. Soldiers arrested in connection with the November 2000 mutiny, who were not released, were subject to trial under military law; proceedings began in November and were continuing at year’s end.

The law sometimes treats women differently from men. In some instances, there is a presumption of reduced competence and thus reduced responsibility for women. For example, only women can be charged with infanticide (if a man kills an infant, the act is treated as murder, a more serious charge). A female defendant in an infanticide case is presumed to have diminished mental capacity, and sentences are reduced or suspended accordingly.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government generally respects the privacy of the home. However, the Home Affairs Ministry, as well as the police and the armed forces, have the power and capability to search persons and property, access private financial records, and monitor mail and telephones when a warrant is issued by the National Security Council. The Home Affairs Ministry conducts surveillance of persons whom it believes represent a security threat.

During the year, military and police checkpoints sporadically were set up around the country.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press.—Freedom of speech generally is respected; however, there were both formal and informal governmental constraints on freedom of speech and the press. The Government attempted to pressure editors and otherwise interfere with the press; it retained controls instituted in July 2000 limiting citizens’ rights to meet and speak out on human rights and democracy. Such groups must file for a petition to meet; petitions were treated on a case-by-case basis, and several prominent events were denied permits. The controls are reviewed every 21 days.

The press has access to prominent figures in the country, but in a newspaper article in the Fiji Sun during the week of September 10, the newly appointed Minister for National Reconciliation, Information, and Media Relations stated that, “The Government of the day must have control of the media in the country.” He continued to say that while the Government respects freedom of information by the media, “They should somehow have respect . . . [and] in many occasions media reports had been slanted and biased . . . the least reporters could do was just have comments from Government.”

There is a Complaints Committee within the Fiji Media Council; however, no complaints were filed during the year.

Political figures and private citizens can and do speak out regarding the country’s political situation and against the Government. Letters on editorial pages and editorials that run in the three English-language dailies frequently contain political statements from a wide cross section of society critical of the Government. However, the Public Order Act and other laws prohibit actions that are likely to incite racial antagonisms.

Legislation pertaining to the press is contained in the Newspaper Registration Act and the Press Correction Act. Under these acts, all newspapers must be registered with the Government before they can publish. The acts give the Minister of Information sole discretionary power to order a newspaper to publish a “correcting statement” if, in the Minister’s view, a false or distorted article is published; however, this provision never has been used. Should the newspaper refuse to publish the Minister’s correction, it may be sued in court and, if found guilty, fined approximately \$500 (FJ\$1,125), and individuals may be fined, imprisoned for 6 months, or both. These acts allow the Government to arrest anyone who publishes “malicious” material. This description includes anything the Government considers false news that could create or foster public alarm or result in “detriment” to the public. During the year, the Minister of Information did not exercise the power to compel a paper to issue a “correcting statement;” the power has not been used in recent years.

The country’s television news production is owned and operated by Fiji One, the only national noncable television station. A trust operating on behalf of the provincial governments owns 51 percent of Fiji One; the other 49 percent is owned by private individuals and interests. There was no action during the year concerning the Chaudhry Government’s agreement to terminate its exclusive license. There are two

new television companies seeking registration rights. Under the Television Act, the Government is allowed to influence programming content. For example, on February 22, police surrounded a conference center in Suva and prevented taping a "Leaders Forum" public affairs program on Fiji TV. Police claimed that a permit was necessary for the program and that if the program proceeded, participants would be arrested.

The media operates without prior censorship, but with considerable self-censorship. Government ownership of shares in the Fiji Post newspaper and its links to the Fiji Sun newspaper through Fijian Holdings, an investment company on whose board a number of ministers have served, call into question the complete independence of the press. Newspapers occasionally print editorials critical of the Government and occasionally conduct investigative reporting. Criticism, albeit muted, of the once-sacrosanct traditional chiefly system is appearing more frequently. However, the Government still views negative comments about individual chiefs with disfavor. The Government also owns the Fiji Broadcasting Corporation with four radio stations.

During the week of vote counting following the August elections, election officials warned some members of the foreign press and the local private media against reporting unofficial polling results. After several warnings, the journalists were ordered to leave a counting station.

The Fiji News Council strives to improve journalistic standards, safeguard media independence, and resolve complaints from the public. The Fiji Islands Media Association is an affiliate of the Pacific Islands News Association. These associations provide training opportunities for journalists and have established a media code of ethics.

The Government does not control or limit Internet access.

Academic freedom generally is respected; however, government work permit stipulations and University of the South Pacific contract regulations effectively deter university employees from participating in domestic politics. Many academics write articles for the media and include disclaimers in their work to preclude contract or work permit problems.

b. Freedom of Peaceful Assembly and Association.—The 1997 Constitution provided for the right to assemble for political purposes, subject to restrictions in the interest of public order; however, under the Emergency Powers Decree and for reasons of national security, during the year, all requests for political rallies or marches were denied. Despite such denials, in preparation for the election, parties were allowed to assemble freely if they obtained permits from the Ministry for Home Affairs.

In 2000 the military-backed, civilian interim administration requested agendas for all meetings for which a required special permit was sought; this requirement continued during the year. A proposed march by the Fiji Anti-War Movement (a coalition of NGO's) was denied a permit in November; the Government claimed the political situation was still volatile.

The 1997 Constitution provides for freedom of association, and the Government generally respected this provision in practice. Opposition parties operated largely without government interference. Political organizations operated and issued public statements. However, the deposed Prime Minister was accused of treason in 2000 by political leaders associated with the military-backed, civilian interim administration for his activities to try to restore constitutional democracy.

c. Freedom of Religion.—The 1997 Constitution provides for freedom of religion, and this provision generally was respected in practice. The Government does not restrict foreign clergy and missionary activity or other typical activities of religious organizations. Religious groups are not required to register.

Religion runs largely along ethnic lines; most ethnic Fijians are Christians, and most Indo-Fijians are Hindu. The military-backed, civilian interim administration protected the rights of all religious groups. The major holidays of Christianity, Hinduism, and Islam are celebrated nationally.

The role of religion continues to be a political issue. Methodist Church authorities and allied political parties continue to work for the establishment of a Christian state. The Church has displayed strong nationalist sympathies, and a letter of support from the head of the Methodist Church, Reverend Tomasi Kanilagi, to George Speight, the leader of the May 2000 armed takeover of Parliament, was made public in the press in June. In the letter, Reverend Kanilagi publicly expressed his intention to use the Methodist Church as a forum under which to unite all ethnic Fijian political parties. The meetings held for this purpose have not been subjected to the same stringent permit restrictions as other political gatherings. Those parties dominated by Indo-Fijians do not support the establishment of a Christian state and insist that church and state should remain separate.

The annual general meeting of the Methodist Church in Suva in August coincided with the national elections; some 25,000 Methodists cast absentee ballots.

There were two incidents of vandalism, one in May and one in August, directed at Hindu temples. Also in August a Catholic church was desecrated. The perpetrators of these acts of vandalism were never identified. The police treated them as isolated incidents; and, by year's end, no arrests had been made.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government generally does not restrict freedom of movement within the country or abroad; however, checkpoints are located outside of several police posts around the country, and access to Nukulau Island, located near Suva, has been curtailed since the island is a detention center for persons charged with treason. The curfew imposed after the events of May 2000 was cancelled in October 2000.

Citizens are free to emigrate. More than 55,000 have done so since the 1987 coups and, according to immigration statistics, between January 2000 and June, 8,427 persons left the country, primarily Indo-Fijians. The Government does not restrict the return of citizens if they choose to do so and previously has encouraged those who left after the 1987 coups to return; however, it did not do so during the year. Occasional detentions at the airport occur, but the courts have ordered redress where warranted.

An internally displaced persons (IDP) camp near Lautoka houses approximately 200 Indo-Fijians who were threatened by serious violence in the Muaniveni and Baulevu areas (near Nausori) following the May 2000 incidents. Approximately 100 persons formerly housed at the IDP camp returned to their homes during the year. President Ratu Josefa Iloilo apologized publicly to those living in the camp in late July. He expressed his regret at their situation, and the residents accepted his apology as a step towards reconciliation. The ICRC and the Fiji Red Cross visit the camp periodically.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In the past, the Government has been reluctant to grant first asylum without assurances that the asylum seeker would be moved to a third country. There were no reports of the forced return of persons to a country where they feared persecution.

Every citizen has the right to enter and remain in the country.

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

In May 2000, Parliament was seized by ethnic Fijian supremacist rebels. The country's first Indo-Fijian Prime Minister, Mahendra Chaudhry, was taken hostage, along with other members of Parliament. In late May 2000, the President Ratu Sir Kamisese Mara was deposed in a nonviolent military coup. Commander Frank Bainimarama abrogated the Constitution, implemented emergency powers, and began to rule by decree. In July 2000, a military-backed, civilian interim administration was installed. With these events, citizens lost the right to change their government peacefully. Later that month, the last hostages in Parliament were released, and the rebel leaders were arrested, despite an immunity decree. Seventeen persons were charged with treason or other crimes, but such charges later were dropped against 8 soldiers and 4 other persons. The soldiers are to be tried under military laws.

In November 2000, the High Court ruled that the Constitution remained in force and that the military-backed, civilian interim administration had no legal basis. President Ratu Josefa Iloilo, appointed by the Great Council of Chiefs on March 13, dismissed the elected Prime Minister Mahendra Chaudhry and Parliament and selected Laisenia Qarase as Prime Minister, who served only long enough to reappoint the leadership of the military-backed, civilian interim administration. The High Court subsequently dismissed legal challenges to the President's action. On March 1, the Court of Appeal affirmed the validity of the Constitution. The decision of the Court of Appeal to uphold the Constitution was welcomed by local and international human rights groups; however, the interim civilian authorities, backed by the military, became the caretaker administration and remained in power, arguing this was necessary in the interest of national security and under the doctrine of necessity. On March 15, the caretaker administration headed by Interim Prime Minister Laisenia Qarase, which had minimal representation from the Indo-Fijian minority, called for parliamentary elections in early August. The elections were held between August 25 and September 1. The parliamentary elections were held with, for the first time, international observer teams provided by the U.N., the European Union,

and the Commonwealth of Nations. Observers noted that, while there were technical problems with polling and ballot counting (notably absentee ballots), the election process was largely free and fair and reflected the will of the voters. Court challenges based on these irregularities were scheduled to be heard in early 2002.

Interim and caretaker Prime Minister Laisenia Qarase's SDL party received the largest number of seats in Parliament, and Qarase was asked to form a government by President Iloilo. However, despite a constitutional provision requiring that any party which receives more than 10 percent of the seats in Parliament be offered inclusion in Cabinet, Qarase formed a Government that excluded Mahendra Chaudhry's Fiji Labor Party (FLP). Chaudhry subsequently took legal action against Qarase; the case was scheduled to be heard in February 2002.

Concerns still exist regarding the police investigation regarding the takeover of Parliament in May 2000. The Public Service Commission conducted a confidential investigation of the Police Commissioner's possible involvement in the takeover of Parliament that was completed in September 2000 and cleared him of involvement. The Police Commissioner returned from leave in October 2000, after a disciplinary hearing before the Chief Justice was completed concerning his alleged negligence, alleged involvement in planning the coup, and other misdeeds in connection with the coup attempt. The inquiry did not relate to the November 2000 mutiny. The Public Service Commission brought up the investigation, and the Chief Justice finally cleared the Commissioner of all wrongdoing. Several NGO's expressed concerns about his behavior during the attempted coup and subsequent events, and the manner in which he was "cleared." At year's end, details of the investigation had not been released.

The treason trial for George Speight was scheduled for February 2002. Since the coup, treason charges have been dismissed against 12 persons; 8 enlisted men were deemed by the court martial to have been following orders. Four other persons were tried individually and found not guilty of treason for lack of evidence, despite video footage and numerous accounts by eyewitnesses concerning their involvement. One of the four persons found not guilty, Metuisela Mua, ran for office in the August elections and represented Speight's Conservative Alliance party in a televised debate.

In addition to individuals charged with treason, the police have investigated prominent citizens who allegedly were involved in the takeover of Parliament. The police are responsible for the investigation but state that witnesses are not comfortable providing statements as evidence, which has hampered their investigation.

The Constitution, as amended in 1997, reduced the ethnically based factors that previously abridged the right of citizens to change their government. Under its provisions, the Prime Minister and the President can be of any race. It established a 71-member lower house with 25 open seats and 46 seats allocated to different ethnic communities. The open seats, which were unprecedented, were established by an electoral commission and apportioned into districts of approximately equal population. Of the 46 communal seats, 23 were allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part Caucasians and East Asians), and 1 was allotted to the Rotumans (an ethnically distinct Polynesian group), roughly proportional to the different communities' representation in the population. The amended Constitution also contained an alternate vote system for elections to the lower house to replace the winner takes all system of the previous constitution. The Senate remained an appointed body—the President appoints 32 members, of which the Great Council of Chiefs nominates 14 members, the Prime Minister nominates 9, the opposition leader nominates 8, and the Council of Rotuma nominates 1 member.

Included in the 1997 Constitution was a strengthened bill of rights and a compact among the country's citizens to protect their respective rights and interests; however, the Constitution acknowledged that the interests of indigenous Fijians remained paramount and could not be subordinated to the interests of other communities. In July 1998, Parliament passed an Emergency Powers Act that could be invoked if Parliament determined that there was a threat to the life of the nation. International media organizations criticized the law due to concerns that the Government could close or censor publications during times of crisis. The Emergency Powers Act was amended by decree by the military-backed, civilian interim administration, which also invoked the amended act. The amended Emergency Powers Decree expired on October 5.

Women in both the indigenous Fijian and Indo-Fijian communities have functioned primarily in traditional roles; the percentage of women and minorities in government and politics does not correspond to their percentages of the population. However, until the takeover of Parliament in May 2000, an increasing number of women were rising to prominent positions in politics and public service. In the Au-

gust elections, 30 Fijian women and 1 Indo-Fijian woman ran for election; 5 women were elected to the House of Representatives. Two women were appointed to the Senate. After the election, four ethnic Fijian women were appointed to the Cabinet (two as ministers and two as assistant ministers), and another was appointed to fill a vacancy in Parliament. Women also play important roles in the chiefly system and can be chiefs in their own right. The wife of former President Ratu Mara is one of the three highest ranking chiefs.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are somewhat cooperative and responsive to their views. The labor movement, women's rights organizations, religious groups, political parties, and a significant number of NGO's encouraged a return to democracy through free and fair elections and encouraged civil society to endorse good governance. The human rights campaigns begun after the coup continued to work under a banner organization called the "Blue Ribbon Campaign." The group continues to plan peace vigils and other similar events, but the Qarase Government pays the Blue Ribbon Campaign little attention. Families and religious workers have access to the prisoners being held for mutiny; however, the military-backed civilian interim administration and the Qarase Government have been less willing to allow the Fiji Red Cross access to prisoners since the November 2000 mutiny (see Sections 1.a.).

Following the May 29, 2000, coup, the Citizens' Constitutional Forum (CCF) challenged the validity of the Interim Administration in court in March. The CCF was deregistered as a nonprofit organization in early February when the Government claimed that it had violated the Charitable Trust Act, which sets the standards for nonprofit organizations. Once deregistered, the CCF was unable to continue its legal case against the Interim Administration. The CCF then reorganized as a nonprofit, and refiled its case on February 19. The case was successful, with a March 1 judgment in favor of the CCF. However, the military-backed, civilian interim administration, supposedly in the interest of national security and under the doctrine of necessity, transformed itself into a caretaker, military-backed civilian administration.

The Human Rights Commission (HRC) was operational with a skeleton staff of a director and an executive officer between May and September 2000. However, during 2000 the HRC essentially ceased functioning from mid-May to mid-September 2000; one commissioner resigned, and the chair was accused of conflict of interest due to marriage to a government minister. Consequently, the CCF assumed a higher profile in human rights issues during that period. The HRC resumed operations in mid-September 2000 with a school-based human rights poster contest and resumed distributing publications. It conducted interviews in the Muaniveni area and collected personal interviews from Indo-Fijians in the area. Copies were sent to the police, who investigated the events. During the year, it appeared to be impartial and independent.

The HRC has received 290 requests for assistance since its opening. The commission is investigating most of the claims, as well as allegations against the military involved in the November 2000 mutiny. The Commission has a backlog of work due to poor funding and lack of staff. Following a human rights conference in early August organized by the HRC, the Commission has become more prominent and better known. The Commission also hosts a weekly radio program to educate citizens about their rights under the 1997 Constitution that has continued throughout the year.

There are also several small, foreign-based organizations that concentrate on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There is little interaction between the Government and these groups.

The ICRC continued to operate a permanent office in the country.

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

The Constitution prohibits discrimination based on race, sex, place of origin, religion, political opinion, color, or creed. It also provides for specific affirmative action provisions for those disadvantaged as a result of such discrimination. A compact included in the Constitution specifically provides for affirmative action and "social justice" programs to secure effective equality of access to opportunities, amenities, and services for ethnic Fijians and Rotumans and for all disadvantaged citizens and groups.

Women.—Reliable estimates indicate that 10 percent of women have been abused in some way. However, following the attempted coup in 2000 and the resulting violence and police brutality against women increased. An active women's rights movement is addressing the problem of domestic violence. Police have adopted a "no-drop" rule, under which they prosecute cases of domestic violence even when the victim does not wish to press charges. The traditional practice of "reconciliation" between the aggrieved parties sometimes is taken into account in mitigation of sentences in domestic violence cases. During the year, the police began a program to find unaccompanied women and drive them to their neighborhood police station to be picked up by a family member. This plan was intended to protect women; however, it was ended after a brief experimental period, following protests from two women's rights groups.

The women's rights movement also pressed for serious punishment for rape. Courts have imposed sentences that vary widely but generally were lenient. For example, a grandfather charged with raping a 10-year old girl was given a suspended sentence in January, but in another case in February, the guilty party was given a 3-month jail term. Women's groups continued to push to have all rape cases heard in the High Court, where sentencing limits are higher; however, the accused decides where the case will be heard. Only one case in the last 5 years has been sent to the High Court.

In addition to the rise in domestic violence, there have been approximately 30 "suicides" by Indo-Fijian women that appeared to have been bride burning. Police investigations report that the women burned themselves so severely as to cause death, but the women's rights community believes that the deaths are the result of bride burning.

Prostitution is illegal; however, it is a growing problem, especially in Suva. The law prohibits sex tourism as well as sexual harassment, which are not considered to be significant problems.

Suva, Ba, Labasa, and Lautoka have women's crisis centers funded by foreign governments, which offer counseling and assistance to women in cases of domestic violence, rape, and other problems such as child support. A newly organized NGO, Fem'link Pacific, spreads information at the grassroots level and encourages community-based dialog. Also, in January the Ministry of Women began a Gender Awareness Program to educate soldiers and police officers about women's issues.

Under the Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and registering and racially designating children in regard to electoral rolls and ethnic communal property.

In general women in the ethnic Fijian community are more likely to rise to prominence in their own right than are women in the Indo-Fijian community. Women have full rights of property ownership and inheritance, and a number are successful entrepreneurs. Women generally are paid less than men, a discrepancy that is especially notable in the garment industry. Garment workers, most of whom are Indo-Fijian, ethnic Fijian, and Chinese females, receive wages that are considerably lower than in other sectors. During the year, the garment industry saw the closing of several factories and the layoff of hundreds of seamstresses. A significant number of garment workers reside at their places of work. According to press reports, some garment workers supplement their low income through prostitution.

Children.—Limited financial resources hamper the Government's commitment to children's rights and welfare. School is mandatory until age 15. Families' inability to pay school fees and bus fare following the downturn in the economy has resulted in a decrease in attendance. Corporal punishment is administered in some schools. The Ministry of Education has guidelines for the administration of such punishment. In contrast to previous years, there were no reports of beatings of students by teachers during the year; however, such incidents generally are not reported or punished.

Societal changes have undermined the traditional village and extended family-based structures. Outgrowths of these changes include increased child abuse and a growing number of homeless youths in urban areas. Homeless children often are seen on the street working as shoeshine boys or involved in prostitution. Children mostly work on the streets, in homes as domestics, and in auto repair shops. During the year, there also was a rise in youth employment in the informal sector. The Ministry of Labor has few or no resources to investigate reports of child labor or to charge offending employers. The legal system is inadequate to protect the rights of children, since children's testimony is largely inadmissible unless corroborated by an adult.

The Government provides free medical care for children at public health centers and hospitals. Government nurses provide free immunizations for children in primary schools.

Persons with Disabilities.—The Constitution provides for the equality before the law of all persons, including persons with disabilities, and discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there is no legislation or mandated provision for accessibility for the disabled. There is little or no enforcement of laws protecting persons with disabilities.

The Fiji National Council for Disabled Persons works to protect the rights of persons with disabilities. Several voluntary organizations also promote greater attention to the needs of the persons with disabilities.

Persons with mental disabilities largely are separated from society and normally are supported at home by their families. There are a few special schools for persons with mental disabilities; however, their costs limit access to privileged families.

Religious Minorities.—The Constitution provides for freedom of conscience, religion, and belief. Citizens also have the right, either individually or in community with others, both in public and private, to manifest their religion or belief in worship, observance, practice, or teaching.

Religious leaders in the minority Muslim population continued to request the establishment of separate Islamic courts for their community; however, the issue was not prominent during the year.

National/Racial/Ethnic Minorities.—Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The stated purpose of two military coups in 1987 was to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land. The post-1987 coup Government initiated a number of constitutional and other measures to ensure ethnic Fijian control of the executive and legislative branches. The Government also successfully raised the proportion of ethnic Fijians and Rotumans in the public service to 50 percent or higher at all levels, but most significantly at the senior level. The Constitution as amended in 1997 noted that “the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population.” George Speight, the leader of the takeover of Parliament in May 2000, professed to have taken action on behalf of ethnic Fijians in attempting to overthrow a government led by the country’s first Indo-Fijian Prime Minister (see Section 3). Following the elections in August, some observers noted that there is a potential for the institutionalization of unequal political rights based on ethnicity.

During the year, the Interim Administration and then the military-backed, civilian interim administration assured the political supremacy of the ethnic Fijians. Since its inception in 1999, 26 percent of the Human Rights Commission’s 117 valid complaints (those in which an internationally recognized human right was verified to have been violated) were for racial and ethnic equality issues.

Control of the land remains a highly sensitive issue. Ethnic Fijians communally hold over 80 percent of land, the government holds another 8 percent, and the remaining land is freehold. Ethnic Fijians’ traditional beliefs, cultural values, and self-identity are tied to the land. Most cash crop farmers are Indo-Fijians, who lease land from the ethnic Fijian landowners through the Native Land Trust Board. Many Indo-Fijians, particularly farmers, believe that the absence of secure land tenure discriminates against them. A number of agricultural landlord and tenant agreement leases have expired, and many more will expire in the next few years. The uncertainty over future land tenure arrangements is a significant cause of tension between the ethnic Fijian and Indo-Fijian communities.

Parliament did not address the agricultural land tenure agreement issue during the year; however, the Qarase Government has pledged to do so. The harassment of Indo-Fijians and the destruction of their property during 2000 did not continue during the year; however, no action was taken against those who looted and vandalized Indo-Fijian stores.

The minority Chinese community continued to grow, primarily through illegal immigration. The special police unit (the Asian Crime Unit) formed to investigate allegations of criminal activity within the Chinese community was not operational during the year; its officers were investigating the armed takeover of Parliament in May 2000.

Section 6. Worker Rights

a. The Right of Association.—The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respect these rights in prac-

tice. However, the law permits restrictions to be applied in government employment and in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. An estimated 55 percent of the workforce is unionized.

All unions must register with, but are not controlled by, the Government. The only central labor body is the Fiji Trades Union Congress (FTUC), which in the past was associated closely with the opposition Fiji Labor Party; unions operate under its auspices. The FTUC has in recent years adopted a more independent political stance. While certain unions remain ethnically based, both Indo-Fijians and ethnic Fijians hold leadership roles in the trade union movement. In the past, the FTUC participated, along with the employer's federation, in the Government's Tripartite Economic Strategies Committee; however, it has not been active since the seizure of Parliament in May 2000.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision.

In order to carry out a legal strike, organizers must notify the employer 28 days prior to the start of the strike. The Ministry of Labor also must be notified of the dispute and receive a list of all striking employees, the starting date of the strike, and location of strike. This information gives the organizers, unions, employers, and Ministry of Labor time to resolve the dispute prior to a strike. During the year, at different times, workers at a prominent resort, airport firefighters, and customs workers went on strike. However, because they did not follow the provisions of the law, the Ministry of Labor declared these strikes illegal and ordered the strikers back to work within 24 hours of the strike; the workers complied, and none of the strikes was violent. The striking hotel workers were given a pay raise, but this raise was regarded as a gesture by the management. The only legal strike during the year was carried out in February by sugar workers, who fall under different employment legislation. The workers received a nominal pay increase; however, the strike attracted media attention. Workers in the mining industry also are regulated by different legislation. FTUC officials operated without interference during the year.

Unions can affiliate internationally, and the FTUC does so.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have joined it. The Government has the power to order recalcitrant employers to recognize unions and has done so. Recognition is governed by membership rather than election. Key sectors of the economy, including sugar and tourism, are heavily unionized. However, there are no laws to protect workers who organize unions in a factory. While the law encourages unionization, union organizers' jobs are not protected. Since employers reserve the right to fire union organizers, some workers are afraid to unionize. Thus unions are effective bargaining tools for older, more established industries, such as sugar and mining; however, for newer industries, such as the garment industry, unions are not as effective. Wage negotiations generally are conducted at individual companies rather than on an industry-wide basis; industry wide bargaining no longer is increasing.

Export processing zones (EPZ's) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZ's and claims that intimidation of workers by employers is widespread. The FTUC sees union recognition as the single issue that does not have effective legal recourse. The FTUC argues that because of alleged illegal and intimidating practices in EPZ's, including threats of loss of work for those active in organizing workers, unions are unfairly prevented from representing workers in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including forced and bonded labor by children; trafficking in persons is not a significant problem. There were no further reports that a form of bonded labor may be practiced on a copra plantation on an outer island. There were no confirmed reports of forced or compulsory labor. Media reports and NGO's allege that work conditions in some garment factories may include bonded or forced labor and excessive work hours. The Fiji Sun reported in August that garment workers intended to unionize in order to improve working conditions and end forced labor; they reportedly suffered from harsh work discipline and inadequate sanitary facilities. Factory housing for garment workers is overcrowded.

d. Status of Child Labor Practices and Minimum Age of Employment.—The Government has adopted some laws to protect children from exploitation in the workplace, but enforcement of these laws is lax. Children under the age of 12 may not be employed in any capacity. "Children" (under age 15) may only be employed outside of school hours in family enterprises and not in the industrial sector. "Young

persons" (ages 15 to 17) may be employed in certain occupations not involving heavy machinery and with specified hours and rest breaks. Enforcement by the Ministry of Labor generally is ineffective for child labor. There are only two inspectors at the Ministry of Labor, and there are no investigators to follow up on claims or reports. The inspectors are mandated to conduct regular annual inspections. During the year, there also was a rise in youth employment in the informal sector. There has been an increase in "self-employed" school-age youths in urban areas, particularly as shoeshine boys, in auto repair shops, and in prostitution.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. The law does not define the worst forms of child labor. The laws for implementing and enforcing child labor regulations are insufficient; there are no adequate enforcement remedies and no comprehensive policy for eliminating the worst forms of child labor.

The Government prohibits forced and bonded child labor; however, informal child labor does occur.

e. Acceptable Work Conditions.—There is neither a national minimum wage nor a limit on maximum hours for working. Certain sectors have minimum wages set by the Ministry for Labor. Minimum wage levels provide a sparse but adequate standard of living for a worker and family in all sectors except the garment sector. There are no regulations specifying maximum hours of work for adult males. Other than a prohibition from working in mines, there are no limitations on female employment. Workers in some industries, notably transportation and shipping, work excessive hours.

There are workplace safety regulations, a Worker's Compensation Act, and an accident compensation plan. Government enforcement of safety standards suffers from a lack of trained personnel and lags in compensation hearings and rulings. Unions generally monitor safety standards in organized workplaces, yet many work areas do not meet standards and are not monitored by the Ministry of Labor for compliance. The ILO maintains an office in Suva. By law an employee has the right to remove himself from a hazardous work site without jeopardizing his employment, but most fear the loss of their jobs if they do so.

Particularly in the garment sector, migrant workers (predominantly Chinese) are increasing in number and are a largely nonunionized and sometimes illegal work force.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, although laws against procuring a woman to become a prostitute, kidnapping, and bonded and forced labor could be used to prosecute traffickers; however, trafficking in persons was not a significant problem. There were no reports of trafficking in persons to, from, or within the country during the year. There was an increase during the year in persons arriving or transiting the country with altered or falsified travel documents; however, it is not clear whether these persons were smuggled or trafficked. Nadi International Airport is a hub of travel in the Pacific, and an increasing number of Asian nationals without appropriate travel papers have been apprehended and deported. Police have received periodic, unsubstantiated reports of forced labor from China working in the garment factories in Western Viti Levu, the country's largest island, but law enforcement has made no arrests and has not investigated the reports. The police believe that an organized Asian criminal network exists in the country that coordinates illegal trafficking in persons. There were no reports during the year that Chinese women working in the garment industry were involved in prostitution, or that some laborers recruited from Asian countries, particularly in the garment sector, were held in conditions of forced labor.

INDONESIA

Indonesia continued to make progress in some areas of its transition from a long-entrenched authoritarian regime to a more pluralistic, representative democracy. In July the People's Consultative Assembly (MPR), which is the country's supreme governing institution, exercised its constitutional right to convene an "extraordinary session," and removed President Abdurrahman Wahid from office in connection with charges of corruption and misrule. Vice President Megawati Soekarnoputri replaced Wahid, as stipulated by law, and the MPR elected United Development Party Chairman Hamzah Haz to replace Megawati as Vice President. Wahid was elected in 1999 in the country's first pluralistic elections, in a process judged free and fair by international monitors. The Government continued to face enormous challenges because institutions required for a democratic system either do not exist or are at an early stage of development. Existing institutions, including the government bureauc-

racy and security establishment, often were obstacles to democratic development. A constitutional amendment process underway since 1999 has provided for a clearer separation of powers between the executive and legislative branches. The President and the appointed Cabinet are accountable to the MPR, the majority of whose members are elected. The 500-member Parliament (DPR), of which 462 members were chosen in the 1999 elections (but which also includes 38 unelected members of the military), remained a forum for vigorous debate of government policy and practice during the year. The Parliament frequently challenged the authority and policies of the executive branch, including the removal of Wahid in July. The MPR, which consists of the Parliament, 130 elected regional representatives, and 65 appointed functional group representatives, held its second annual session in November. Previously, the MPR had met only once every 5 years to elect the President and Vice President and to consider other matters reserved for the MPR. During its November session, the MPR amended the 1945 Constitution to provide, among other changes, for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of judicial review of legislation. The amendments, if fully implemented, would increase elected officials' accountability to constituents by allowing people to elect the President and Vice President. The human rights protection amendment to the Constitution was incorporated in 2000 and was not further amended during the year. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and there is pervasive corruption.

The 275,000-member armed forces (TNI) are under the supervision of a civilian defense minister but retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. The military and police jointly occupy 38 appointed seats in the DPR reserved for the security forces, as well as 10 percent of the seats in provincial and district parliaments. The security forces, whose members do not have the right to vote in elections, agreed to relinquish their appointed seats in the national and regional legislatures in 2004, but appear likely to retain some seats in the MPR until as late as 2009. In 2000 Wahid signed a decree abolishing the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had given the security forces had wide discretion to detain and interrogate persons who were perceived as threats to national security. In 2000 Wahid also signed a decree removing the national police force of 175,000 members from the supervision of the Minister of Defense and providing for civilian oversight. This step, in addition to the formal separation of the police from the armed forces in 1999, was intended to give the police primary responsibility for internal security. The separation of the military and the police was reinforced through a 2000 constitutional amendment and a police law enacted during the year. There continues to be confusion in the armed forces regarding the respective responsibilities of each institution in some cases. The decree provides a caveat that permits the Army to provide security assistance to the State Police upon the latter's request. Notwithstanding these changes, the military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas, and Papua (formerly known as Irian Jaya). Members of both the TNI and the police committed numerous serious human rights abuses.

The economy, which is market-based with a significant degree of government intervention, increased by approximately 3 percent during the year, following more than 4.8 percent growth in 2000. Industrial exports grew strongly, particularly in labor-intensive textiles, electronics, wood products, and other light manufacturing industries based in the densely populated islands of Java and Bali. Underemployment remained high at approximately 19 million persons. Over 40 percent of the adult working population is employed in agriculture, which in Java, Bali, and southern Sulawesi primarily involves rice and other food crops but elsewhere concentrates on cash crops such as oil palm, rubber, coffee, tea, coconut, and spices. Per capita gross domestic product among the population of 211 million was \$738 in 2000, well below the levels achieved before the severe economic downturn that began in July 1997. The downturn affected most severely the urban poor, particularly in Java, partly as a result of a wholesale shift in employment from the higher-paying formal sector to the less secure informal sector. The negative impact of the economic and financial downturn was smaller in less populated, natural resource-rich Kalimantan, Sulawesi, and Sumatra. Large disparities in the distribution of wealth and political power contributed to social tensions across the country and continued to create demands for greater regional autonomy. Two laws providing for greater political and economic decentralization and for revenue sharing among the country's provinces and districts came into effect in January. Parliament approved the Aceh Special Autonomy Law in July and the Papua Special Autonomy Bill in October. The two provinces of Aceh and Papua were granted special autonomy, which affords them greater

political, cultural, and economic benefits, including the right to retain a larger percentage of their oil and gas revenues.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Papua (formerly known as Irian Jaya), and elsewhere in the country. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. They also continued to conduct "sweeps" that led to killing of civilians and property destruction. The Commission for Disappearances and Victims of Violence (KONTRAS) reported that during the period between June 2000 and June 2001, police killed 740 persons. Despite the May 2000 agreement between the Government and the leaders of the Free Aceh Movement (GAM) to limit armed hostilities, military, police, and GAM forces committed numerous extrajudicial killings. Security forces in Papua assaulted, tortured, and killed persons during search operations for members of militant groups. The security forces inconsistently enforced a no-tolerance policy against flying the Papuan flag, tearing down and destroying flags and flag poles, and killing eight persons, and beating others who tried to raise or protect the flag prior to the signing into law of the Papua Special Autonomy Law, which permits the flying of the flag as a cultural symbol. There continued to be credible reports of the disappearance of civilians, KONTRAS reported 55 cases of forced disappearance between January 1 and September. The killers of two Achenese NGO activists, Jafar Siddiq Hamzah and Tengku Hashiruddin Daud, who had been abducted in 2000 and later found dead with indication of torture, had not been identified by year's end. Papuan independence leader Theys Eluay was kidnaped and killed in November. Crossborder raids into East Timor by East Timorese prointegration militias resident in West Timor, armed and largely supported by the army, diminished during the year as the Indonesian military withdrew its backing. Three Timorese who admitted killing three U.N. Office of the High Commissioner for Refugees (UNHCR) workers in West Timor were brought to trial in Indonesia and charged with manslaughter instead of murder.

Security forces tortured and otherwise abused persons. Rapes and sexual exploitation by security forces continued to be a problem. Prison conditions are harsh. Security forces employed arbitrary arrest and detention without trial in Aceh. Despite initial steps toward reform, the judiciary remains subordinate to the executive, is corrupt, and does not always ensure due process. Security forces infringe on citizens' privacy rights. Security forces continued to intimidate and assault journalists. The Government places some controls on freedom of assembly; however, it allowed most demonstrations to proceed without hindrance except in Aceh and Papua. Security forces also brutally dispersed demonstrations on several occasions. The Government places some controls on freedom of association. There are some restrictions on certain types of religious activity and on unrecognized religions. The Government continues to restrict freedom of movement to a limited extent. Thousands of Achenese residents fled their villages during conflicts between the security forces and separatists. Intercommunal conflict forced the relocation of hundreds of thousands of persons in Maluku and North Maluku in 2000 and during the year. In West Timor, the Government's failure to disarm and disband the East Timorese prointegration militias impeded the repatriation or resettlement of thousands of East Timorese IDP's during the first half of the year. During the latter part of the year, obstacles to repatriation were uncertainty about conditions in East Timor and unresolved problems with government pensions.

Domestic human rights organizations continued to play a significant role in advocating for improvements in human rights; however, at times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. On March 29, security forces reportedly killed three human rights workers and left their bodies in a village in South Aceh. In June in Jakarta, police detained and threatened Non Governmental Organization (NGO) members before releasing them. Violence and discrimination against women are widespread problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against persons with disabilities, indigenous persons, and religious and ethnic minorities also are widespread problems. Interreligious violence, particularly in the Moluccas, has claimed over 6,000 lives since the onset of hostilities in January 1999, and thousands of Christians in Maluku have been forced to convert to Islam. Discrimination against ethnic minorities persisted. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

The Government continued to allow new trade unions to form and operate; however, enforcement of labor standards remains inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remains a problem, although the Government continued to take steps during the year to remove children from fishing platforms, on which bonded child labor most commonly occurs. Trafficking of persons into and from the country for the purpose of prostitution and sometimes for forced labor is a problem.

The Government was ineffective in deterring social, interethnic, and interreligious violence that accounted for the majority of deaths by violence during the year. Enforcement of the law against criminal violence deteriorated, resulting in religious groups purporting to uphold public morality, and mobs dispensing "street justice" operating with impunity.

In Aceh, armed separatists killed dozens of civil society leaders, academics, politicians and other local residents, as well as civil servants, police and soldiers. They also abducted and otherwise harassed such persons. GAM also targeted non-ethnic Acehese residents of Aceh. On March 23, presumed GAM militants reportedly kidnaped and killed seven Javanese transmigrants. In June attackers believed to be GAM members, killed scores of Javanese and ethnic Gayo in Central Aceh. Ethnic clashes between Dayaks and Madurese transmigrants in February and March claimed 500 lives in Central Kalimantan, according to official sources.

In response to past abuses, joint civilian-military courts and various other investigative bodies continued to pursue cases involving army and police officers. Four military personnel and four civilians were detained in February for the December 2000 killings of three humanitarian workers from the NGO Rehabilitation Action for Torture Victims in Aceh (RATA) in North Aceh. A court was convened to consider the case, but by the year's end, no hearings had been held. The four civilians suspects escaped from police custody; the four military suspects remained in detention. There were no other reports of military or police personnel being prosecuted for crimes in Aceh. The Government has prosecuted several persons in connection with 2 attacks on UN personnel in East and West Timor, but has not prosecuted others for the militia-related crimes in West or East Timor dating back to 1999, although the Attorney General in September and October 2000 named 23 persons as suspects in East Timor human rights cases (one of whom was killed in early September 2000). The Government's critical failure to pursue accountability for human rights violations reinforces the impression that there would be continued impunity for security force abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Historically, politically related extrajudicial killings have occurred most frequently in areas in which separatist movements were active, such as Aceh, Papua, and formerly East Timor, and security forces continued to employ harsh measures against separatist movements. In addition security forces killed unarmed demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity. The Government rarely holds the military or police accountable for committing extrajudicial killings or using excessive force.

In Aceh army and police personnel committed many extrajudicial killings and used excessive force or directed force against noncombatants in an attempt to quell separatist movements; at times the police and army forces were responding to rebel attacks. By year's end, 1,477 persons had been killed in Aceh, including 1,028 civilians, 134 security force members, and 315 GAM members. It was unclear to what extent police investigated such killings, and they made no progress in identifying the persons who committed these killings by year's end. The steep increase in casualties resulted directly from "Operation to Restore Security," a military crackdown begun in May. Local newspapers reported that 11 bodies were found on February 28 around Aceh and another 10 bodies were found on February 27. According to the report, at least several of the bodies were of those persons seized by security forces the night before their bodies were discovered. Human Rights Watch (HRW) reported that on March 29, security forces killed three human rights workers and left their bodies in the village of Simpang Tiga Alue Pakuk in Sawang subdistrict, South Aceh. One of these victims, Tengku Al-Kamal, a Muslim boarding school director in South Aceh, was a member of the team monitoring the "peace through dialog" agreement between the Government and the GAM. The other two victims were Suprim Sulaiman, Kamal's attorney from the Human Rights Coalition of Aceh, and Kamal's driver, Amirduddin. According to HRW, police questioned the three men earlier in connection with accusations of rape that five women had made against the Mobil

Brigade Police, also known as Brimob (see Section 1.c.). According to HRW, on April 11, Brimob forces shot and killed student Usman bin Adam in Aceh. The Government denied any involvement by the security forces; however, human rights workers who conducted an investigation at the site claimed that security forces most likely were responsible. According to press reports, on July 1, security forces shot and killed 24 Acehnese during a military operation near the town of Takengon in Central Aceh. Soldiers claim that the soldiers had attacked a group of rebels who were planning to attack a nearby town; however, rebel spokesman said only four of the persons killed were militants and the rest were villagers. According to press reports, on July 22 security forces shot and killed 22 Acehnese during a joint military-police operation at a village in East Aceh. A GAM spokesman claimed that only one of the victims had been a GAM member. In October during a raid on Krueng Seumideun village in Peukan Baro district in Pidie, TNI forces shot and killed a high-ranking GAM negotiator, Zulfani bin Abdul Rani. There were numerous instances of excessive force by the military, police, and GAM members that went unpunished during the year. In December Lt. Colonel Supartodi said that his troops shot and killed four rebels during an ambush and that government troops also killed eight insurgents in other clashes. However, some separatists claimed that military officers forced the persons to lead them to rebel bases, after which soldiers killed them.

During the year there were numerous killings in Aceh that could not be clearly attributed to either the security forces or to the armed separatist movement, the GAM. Initial reports on August 9 indicated that unknown assailants shot and killed 31 employees of PT Bumi Flora, a palm oil plantation in Idi Rayeuk in East Aceh. According to the Government, GAM members often tried to extort protection money and intimidate the workers into striking. When the workers refused, GAM members shot and killed them. The GAM denied responsibility and called for an independent team to investigate the killings and bring the perpetrators before an international tribunal. An internal government report compiling eyewitness testimony on August 10 indicated possible military involvement in the killings. Security forces and the GAM blamed each other for the September 6 killing of the Rector of Syiah Kuala University Dayan Dawood, who unidentified assailants shot and killed while he was in his car. Dawood previously had offered to mediate between the GAM and the Government. Dawood's killing followed the killing of Aceh provincial legislator Zaini Sulaiman on September 1 and prominent politician Teungku Johan in May. Aceh's Police Chief promised to investigate the killings; however, no action had been taken by year's end. There were numerous other instances of excessive force by the military and police during the year that went unpunished, including the killing of politician Nashiruddin Daud, an NGO activist. As in most cases, there were no results from alleged government investigations into the deaths of Sukardi, Sulaiman Ahmad or Tengku Safwan Idris, who were killed during 2000 (see Section 1.b.).

In Papua security forces allegedly killed proindependence leaders during the year. Local community groups suspect that security forces killed Willem Onde, the leader of the Papua Liberation Front Army (TPNP), and his friend, Johanes Tumeng. Bodies, believed to be theirs, bearing evidence of gunshot wounds, were found floating in the Kumundu River on September 12 with their hands bound and heads shaved. In addition, on November 11, Papuan proindependence leader Theys Hiyo Eluay was found dead in his car outside of the provincial capital Jayapura after his driver reported that he had been kidnaped. Police also continued to shoot and kill persons involved in largely peaceful Papuan independence flag-raising or demonstrations (see Sections 1.c., 2.a., and 5). Police shot and killed eight persons, and detained and beat six others after mobs rioted, blocked roads, burned cars, and damaged buildings in Papua. The mobs allegedly were reacting to reports that the security forces planned to remove the Papuan flag from the house of an indigenous community leader. Police detained 22 persons returning from a traditional ceremony in March and killed six of them in connection with the same incident. Such incidents were similar to a series of police reactions to flag-raising over the past 3 years; however, after the Papua Special Autonomy law was signed in November, allowing the Papua flag to be displayed as a cultural symbol, security forces seemed to allow the flying of the flag.

Police also killed Papuans while attempting to search for suspects. For example, police killed one person while searching for the killers of three employees of a logging company in Wonggema village, in Papua. In June and July, police shot 13 persons while seeking the persons who killed 5 police officers and 1 local employee of a foreign-owned logging company.

East Timorese prointegration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings in past years. For example, in September 2000, a mob

of East Timorese IDP's, led by militia members attacked UNHCR offices in Atambua, West Timor and killed three international UNHCR staff members, then mutilated and burned their bodies. Security forces that were assigned to protect the UNHCR office failed to prevent the militia forces from attacking and left the area before the militia's second attack on the building, when the three UNHCR workers were killed. Six individuals originally were sentenced in May to between 10-to-20 months on charges of mob violence in connection with the incident, after a lower court ruled that they had been provoked. On November 15, the Supreme Court handed down sentences of 5 to 7 years, the maximum for the charge of mob violence, to three of the defendants. The Court had not rendered its decision on the other three defendants by year's end. In November Jacobus Bere, a member of a group accused of the July 2000 killing of a New Zealand Peacekeeper, was retried for first- and second-degree murder, following a joint investigation of the incident by the Government and U.N. Transitional Administration in East Timor (UNTAET). The trial was postponed from October until December because Bere was ill, and had not concluded by year's end. Government prosecutors also indicted three of the five other militia members involved in the incident. The other two militia members still were at large. Johannes Tino and Gabriel Hale Noni were charged with premeditated murder, a charge carrying the death penalty. Fabianus Ulu face up to 15 years in jail if convicted on the lesser charge of homicide. Killings by pronteintegration militias included those of West Timor resident Bornard Loddo in July 2000 and a Nepali U.N. peacekeeper in August 2000. There were no reports of progress into the investigation into these killings during the year.

According to credible reports, security forces in the Maluku island chain, especially in the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during widespread riots and communal clashes throughout the year. The National Commission on Human Rights (KOMNAS-HAM) established a fact-finding team to investigate the June 12-14 killings of 20 persons during a crossfire shooting between the military and the Laskar Jihad (the Java based Muslim militia). The fact finding team concluded that the killings were outside KOMNAS jurisdiction, because the Commission's mandate allowed it to investigate only cases involving gross violations of human rights. Despite claims to the contrary, there was no credible evidence to suggest that the security forces as an institution supported one side or the other during the violence (see Sections 2.c. and 5).

The police on several occasions throughout the country used deadly force to disperse demonstrators. For example, in January Central Kalimantan police shot and killed at least 20 persons and wounded many others by shooting indiscriminately into rioting crowds. On February 27, police shot three rioters in Sampit and two in Palangka Raya, killing one. On March 8, police in Palangka Raya fired into a crowd of rioters killing five persons and injuring several others. On April 9, police in Sampit killed 1 and seriously injured 2 civilians, when they opened fire to disperse a crowd of 300 Dayaks protesting harsh measures police imposed on local Dayaks. On July 17, a police officer shot and killed a bystander while attempting to disperse a crowd in Jakarta. Many citizens also claimed that police were slow to respond forcefully to violent civil disorder. For example, police were slow to respond to the killings of Madurese migrants in Central Kalimantan in January and February.

In Pasuruan, East Java, police opened fire on demonstrators protesting the MPR's second censure of then President Wahid on June 20, killing one protester. Fact finding teams from the MPR and KOMNAS-HAM investigated the killing. MPR officials announced that the police followed correct procedures. However, KOMNAS-HAM investigators, in an October 22 letter to the East Java police, called for further investigation of the killing. KOMNAS-HAM also conducted an investigation into police use of excessive force on December 7, 2000 in Abepura, West Papua, when police pulled 23 students from their dormitory rooms and beat them. Two students died from the beatings, and dozens of others sustained serious injuries. The KOMNAS-HAM issued a report recommending that the case be tried by the new human rights court. No investigation into police killings of demonstrators during 2000 had occurred by year's end.

No disciplinary action was taken against the immigration personnel responsible for the disappearance and presumed death of a foreign citizen in March 2000, and there were no developments in the case by year's end.

At times the police and the military killed civilians in the crossfire of their attacks on each other. A Madurese IDP was killed during a February 27 dispute between police and security forces over extortion collections from Madurese IDP's evacuating from Central Kalimantan; 10 soldiers and police were wounded. Police and military exchanged fire on September 15, killing 3 civilians and injuring 15 others in Madiun, East Java. Observers said that the gunfight occurred over "turf battles" for

protection of gambling dens and drug trade. Investigators named 112 military personnel and 13 police personnel as suspects in the killings, and announced that their cases would be tried. Twenty-three members of the military and police force were discharged.

The police often employed deadly force in apprehending suspects or dealing with alleged criminals, many of whom were unarmed. For example in September, police shot and killed 23 persons suspected of illegal weapons possession in an incident in Jakarta, claiming that they resisted arrest. During the year, police shot and killed at least 25 Africans suspected of trafficking in narcotics. Africans constitute a disproportionately large percentage of those killed while being arrested, suggesting that such killings are racially motivated. In response to criticism that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Police did not release complete statistics regarding the number of these cases by year's end (see Section 5).

Four military officers and four civilians were detained in February for the December 2000 killings of three humanitarian workers in Aceh. The court found the officers not guilty of murder, but convicted them of inciting mob violence and sentenced them to prison terms varying from 10 to 20 months in prison.

In July 1999, the Government appointed an independent commission (KPP Aceh) to investigate human rights violations in Aceh. In November 1999, the Commission recommended that the Government investigate five cases of alleged human rights violations. In April 2000, the trial of 24 army personnel and a civilian, who all previously were convicted for the killing of 58 civilians in Beutong Ateuh in July 1999, began; however, none of the accused was above the rank of lieutenant colonel. During the trial, soldiers testified that they had killed civilians, but argued that they were not guilty of murder because they were following their commander's orders. The commander reportedly disappeared; however, NGO's reported a subsequent sighting of him in the company of other military officials. The trial ended in May 2000 when the 24 defendants received sentences of 8 to 10 years in prison. By year's end, no one had been charged in the other four cases, which include: The May 1999 massacre at Krueng Geukeu, North Aceh; the February 1999 attack on demonstrators that resulted in seven persons killed in Idi Cut, East Aceh; a series of killings and abductions at a detention facility in Pidie from 1997-98; and the August 1996 rape of Sumiati, an Acehnese woman, by a soldier.

The Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) delivered its report of human rights violations in East Timor to the Attorney General's Office in January 2000. The Attorney General said that his office initially would prosecute five major cases arising from the April 6, 1999 massacre in Liquisa; the April 17, 1999 killings at the home of independence leader Manuel Carrascalao's house; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of priests and displaced persons at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The Attorney General's Office named 23 suspects in September and October 2000 (one of whom, an East Timorese militia commander, was killed by militia members in early September 2000). Those accused included several army and police generals, but did not include then-Armed Forces Commander General Wiranto, former Armed Forces intelligence chief Zacky Anwar Makarim, and other senior members of the military leadership who were named as responsible parties in the KPP-HAM report. Progress on these five cases was slow, and the number of suspects named was small in comparison to the number of persons believed responsible. Although Indonesian authorities were assisted greatly in their investigation by UNTAET, the Government did not cooperate fully in December 2000, when UNTAET requested similar support for its own investigations into the atrocities.

There were no new developments during the year in the shooting deaths of at least nine demonstrators at Jakarta's Semanggi interchange in November 1998. The trial of nine low-ranking police officers implicated in the May 1998 shooting deaths of four students at Trisakti University in Jakarta began on June 18. Prosecutors charged the officers with premeditated murder, which carries a maximum penalty of life imprisonment, and assault leading to death, which carries a maximum penalty of 7 years in prison. The trial was ongoing at year's end.

In 2000 the police began conducting an investigation of the July 1996 attack on the headquarters of the Indonesian Democratic Party (PDI), questioning the top army and police leadership at the time. A joint police/military team subsequently questioned witnesses and potential suspects, and by November 2000 had begun submitting cases to the Attorney General's Office for prosecution, although no further action was taken during the year (see Section 1.b.).

The East Java police in 2000 reopened an investigation into the 1993 killing of labor activist Marsinah, questioning again over a dozen witnesses and previous suspects, including civilians and army and police personnel. In December 2000, the East Java police chief said Australian laboratory tests confirmed that Marsinah's blood had been found in the home of the owner of the factory where Marsinah worked and in a van believed to have transported her to the place where she was found. However, by year's end, there was no further action on the police investigation.

In February 2000, the National Human Rights Commission formed a commission to investigate the September 1984 killing of an estimated 33 demonstrators by security forces at Tanjung Priok, Jakarta. The commission questioned senior army and police officials, exhumed mass graves where victims were buried, and reported the investigation results, including names of 23 persons considered to be responsible for the killings, to the Attorney General in October (see Sections 1.c. and 4). At year's end, a spokesman for the Attorney General confirmed that the investigation was completed; however, he declined to name any suspects and none were arrested.

Citizens' attacks on other citizens caused the majority of killings during the year. Throughout the year in Aceh, armed separatist groups killed dozens of civil society leaders, academics, politicians, and other local residents, as well as civil servants, police, and soldiers. For example, on March 23, local newspapers reported that attackers, presumed to be GAM members, kidnaped and killed seven Javanese transmigrants that had been working on a plantation. The seven transmigrants were found shot with their hands tied behind their backs. In June attackers believed to be GAM members, killed scores of Javanese and ethnic groups in Central Aceh. On September 18, armed separatists abducted Muzakir, a Muslim community leader of a village in Batu Itam. Residents of Alur Naga in South Aceh found him dead on September 20 with bullet holes and burn wounds. Armed separatists shot and killed T. Sofyan, the village leader in Lan Tabeh, Aceh Besar, on November 16. Armed separatists, who had constructed roadblocks on the Medan-Aceh road, shot and killed a police captain who attempted to drive through the roadblock on December 18.

Separatist groups also killed numerous civilians and soldiers during the year. The Free Papua movement (OPM) killed five police officers and a security guard at a foreign-owned logging company in Wondiboi, Wasior District, and Papua on June 13. Police blamed the attacks on OPM; however, many local human rights groups believe a disagreement between the local community and the foreign company over compensation for logging on indigenous land may have instigated the attacks. An OPM group took two migrant settlers hostage after police shot and killed two Papuan separatists in a September 23 crossfire after an OPM raid on a military post in Bonggo, Papua. Unknown attackers killed four soldiers in a February 3 attack on a military post in Betaf, Papua.

Fighting in the Moluccan island group, which began in Ambon in January 1999, spread to most major islands in the Moluccas in 2000 and during the year. The fighting in all three provinces (North Maluku, Maluku, and Central Sulawesi) had political, economic, ethnic, and religious overtones (see Sections 2.c. and 5). While initial conflicts emerged over land tenure questions and the political and economic status of local residents versus that of migrants, in many cases the conflicts later evolved into highly charged religious clashes. One of the major factors contributing to the continuation of violence in these islands was the failure to bring the perpetrators to justice (see Sections 2.c. and 5); another factor was the failure of the authorities to prevent armed militants from traveling in large groups to the Moluccas from Java. Christian and Muslim groups increasingly used sophisticated weapons as the fighting continued, causing over 3,000 deaths and destroying many churches, mosques, and, in some cases, entire towns, mostly in 2000. The level of violence intensified in late 1999 and in the early part of 2000, after Christian gangs and militia (and to a lesser extent, Muslim gangs and militia) attacked isolated villages in Halmahera and other parts of North Maluku. During 2000 and following the December 1999 attacks by Christians, Muslim militias drove Christian populations away from many areas of North Maluku and Maluku provinces (see Section 2.d.). As IDP's fled to neighboring areas and islands, their resentment against those who had attacked them often sparked conflict in their new places of residence. In addition unverified reports of provocations and conspiracies fueled the continuous cycle of violence. The violence decreased in Ambon in late January 2000 and this year, after security forces began enforcing a curfew and disarming civilians. At the same time, mutually destructive fighting escalated in Halmahera and other parts of North Maluku. By April 2000, there were some signs of reconciliation in Ambon after the provincial government established reconstruction programs and markets in border areas between Muslim and Christian communities. However, in late April 2000, se-

rious rioting broke out immediately following a visit by then Vice President Megawati Soekarnoputri. There was a further upsurge in violence in May 2000, after boats filled with members of the Laskar Jihad, Muslim militants from Java, arrived in Ambon and other parts of the Moluccas (see Section 5). As many as 2,000 to 3,000 militants ultimately arrived via boat. Law and order continued to deteriorate steadily, and in June 2000, violent mobs stormed through Ambon city with little or no security force interference. There also were large-scale Muslim attacks against Christians in Halmahera in May and June 2000. The level of violence decreased, particularly in North Maluku, after then-President Wahid declared a state of civil emergency in both provinces in late June 2000 (see Section 2.d.); the state of emergency still was in effect at end of 2000. However, violent interreligious clashes continued to occur throughout the year, especially in Ambon.

According to HRW, on May 4, the Government arrested the head of Laskar Jihad, Jafar Uman Thalib, and charged him with murder. He was released on June 12. Violence subsequently flared in Ambon, where 18 Christians were killed (see Section 5). In response, on June 14, the army attacked a Laskar Jihad post, killing 22 Muslims.

Beginning in late May 2000, in Central Sulawesi, numerous villages experienced renewed religious riots and violence, resulting in numerous deaths and widespread destruction. A significant increase of killings occurred in November and December, apparently spurred by Laskar Jihad militants. Tens of thousands of Christians fled their homes as villages were attacked. On December 1 and 2, hundreds of Laskar Jihad attacked Christian forces in the villages of Sepe and Batuginu, south of Poso city. Three soldiers and three civilians were shot. A police officer shot and killed a rioter and wounded four on December 3, after a Muslim attacked a church in Poso city. By year's end, the army was able to quell the violence, and a tenuous peace agreement was negotiated. According to local press reports, the three leaders of the Christian Red Force who were convicted of leading rioters in mass killings and given the death penalty, are appealing their sentences to the Supreme Court.

In Kalimantan interethnic clashes resulted in hundreds of killings during February and March. Indigenous Dayak tribesmen killed approximately 600 Madurese migrant settlers and burned more than 1,000 houses and stores in Central Kalimantan (see Section 5). In response, over 105,000 Madurese evacuated back to East Java and Madura Island, where they settled in local communities. In Pontianak, West Kalimantan, the killing of a Malay boy, on June 25, allegedly by Madurese robbers, as well as local resentment of the continued presence of Madurese IDP's in local public sports facilities, led to interethnic clashes between Madurese refugees and ethnic Malay residents which resulted in 7 refugee deaths and destruction of temporary shelters for over 300 families (see Section 5). Three suspects were arrested for the robbery, no arrests in connection with the killings were made by year's end. Over 40,000 Madurese migrants remained in IDP camps located in public sports facilities in Pontianak or in outlying areas at year's end. There were reports from local NGO's, provincial officials, and local press of Dayaks killing an unknown number of Madurese attempting to return to Central Kalimantan.

A series of bombings occurred in Jakarta and other cities, including Depok, Bekasi, Yogyakarta, Banten, and Central Sulawesi from January through June targeting churches, overpasses, shopping malls, and residences. Several bombings between Christmas and New Year's primarily targeted churches. The NGO Coalition (ORNOP) reported that there were 110 bombing incidents, which claimed 26 lives and injured 201 persons during the year. A suspect in the October bombings at Atrium Mall was released on her own recognizance on October 4; however, she was required to report to the Jakarta Police twice a week. Police arrested 13 persons, including 3 Malaysians, in September following another bombing of the Atrium Mall. Police believed the 13 detainees also were responsible for some of the church bombings on Christmas Eve 2000 (see Section 5). The Christmas Eve bombings occurred in 9 cities and injured more than 100 persons, according to press accounts. On July 19, the Bandung District Court sentenced two defendants found guilty of involvement in one of the bombings that killed four persons to 9 years in prison. The court sentenced the owner of the house in which the two defendants allegedly made the bombs to 8 years in prison.

Two defendants suspected of involvement in the Jakarta Stock Exchange bombing, which killed 10 persons and injured dozens of others in September 2000, escaped from custody before they could be tried. One of the defendants, a corporal in the Army's Strategic Reserves Command, escaped while in the custody of four members of the military police. The other suspect, a civilian, escaped from prison in East Jakarta in February. The court sentenced the remaining three defendants, two military and one civilian, to 20 years in prison each (see Section 1.c.).

According to press reports, during 2000 145 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons on the scene of the alleged crimes in the most populous urban areas of Jakarta, West Java, East Java, and North Sumatra. Countrywide statistics were not available at year's end.

There also were press reports of mobs attacking security forces and civilian guards. For example, on August 14, pedicab drivers beat to death a civilian guard and severely injured eight others attempting to evict the drivers from West Jakarta; by year's end, no one had been arrested in connection with the attack (see Section 1.c. and 6.a.). The city administration had banned pedicabs from operating in Jakarta since 1988.

During the year, there were a number of reports of killings of persons who practice traditional magic ("dukun santet") (see Section 5). For example, on September 2, approximately 40 villagers in Bentarkawung, Central Java killed Warsono, who the villagers believed caused another resident to become ill and die. On October 7, a resident in Tangerang, West Java, beat and killed a newly arrived resident who was believed to have caused the death of seven residents. No one had been charged in the incidents by year's end.

b. Disappearance.—According to a report issued in 2000 by the Committee for Missing Persons and Victims of Violence (KONTRAS), 843 persons remain missing as a result of military operations, land disputes, and political and religious activities over the past 20 years. In addition KONTRAS reported that 106 persons remained missing in Aceh during the year.

In Aceh there continued to be credible reports of the disappearance of many civilians. KONTRAS reported that 14 persons disappeared in September alone, including 5 Acehese community leaders, who GAM abducted while returning from a meeting with President Megawati on September 8, but released them on September 10. Aristoteles Masoka, Theys Eluay's driver, has been missing since Eluay's murder; he last was known to be in Kopassus custody. Often, the bodies of missing persons later are discovered, frequently bearing marks of torture (see Section 1.c.). Three prominent Acehese disappeared in Medan, North Sumatra during 2000; however, only Syahputra remained missing at year's end. The bodies of Member of Parliament and human rights activist Tengku Nashir and NGO activist Jafar Sidiq Hamzah later were found, bearing signs of torture. NGO's allege that TNI forces or police personnel are responsible for many cases of civilian disappearances.

There were no developments in the investigation into the causes of death or the identification of the remains of 32 bodies found floating around Biak, Papua in July 1998 after navy and police forces broke up a proindependence demonstration. Multiple reports claimed that many of the bodies were demonstrators who had been detained and then killed while in custody.

The Government has not taken any significant action deter forces that abduct persons. In most cases in Papua, Brimob or Kopassus forces often round up and detain persons after a violent incident. An atmosphere of impunity by such groups encourages others to continue abductions.

According to Amnesty International (AI) on June 25, armed men abducted Hubertus Wresman, a Sunday school teacher from Betaf. AI believes Wersman's abductors were army personnel. There were no developments in Wresman's case by year's end. Brimob officers kidnaped Daud Yomaki, Henok Marani, and Mais Imburi during search operations after five police were killed on June 13 in Wondiboi village (see Section 1.a.). The body of Felex Urbon, another person who allegedly was abducted by Brimob on June 20, was found on July 16.

There were no developments in the numerous disappearances of persons in East Timor in 1999 and in earlier years.

There was no progress in the case of four members of the Agrarian Reform Consortium (KPA), an NGO based in Bandung, West Java that advocates for dispossessed farmers, claimed that they were kidnaped at gunpoint by unknown persons on August 14 in 2000. Their alleged abduction came after police forcibly removed them from a demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. They claimed that after several days in solitary confinement they were driven to different locations and interrogated at length about their organization's activities, finances, and aims. They said that they were not tortured physically, but that their lives and those of their families and colleagues frequently were threatened. Their captors released them on August 27. The KPA then filed suit against the police alleging that the police had kidnaped four of its members. The Jakarta district court dismissed the lawsuit for lack of evidence. The KPA filed an appeal; however, the court had not rendered a decision by year's end. Police opened an investigation into the kidnaping, but were unable to identify the perpetrators (see Sections 1.e. and 4).

There were no developments in the case of 12 persons who disappeared (and are presumed dead) in Java during a series of kidnappings of opponents of the Soeharto regime carried out by Army Special Forces (Kopassus) personnel in 1997 and 1998. However, in 2000 the police began conducting an investigation into the 1996 PDI incident in which 16 persons disappeared, and submitted cases to the Attorney General's Office (see Section 1.a.). No new information emerged on the fate of the 16 missing persons by year's end.

In Aceh armed separatists often abduct army members, police personnel, civil servants, and others, although they do not always acknowledge responsibility for these incidents. Militia groups are believed to have killed some civilians suspected of being collaborators or informants of the security forces. For example, the GAM abducted Ghazali Usman, a member of Aceh's provincial parliament in September. He was released on November 26.

On January 16, 12 employees of a Korean firm in Asiki district were kidnaped by the OPM. The OPM also detained a 4-man negotiating team before releasing all 16 persons on January 25. On March 23, two Korean employees of a logging company were kidnaped and released by March 30. Two Belgian filmmakers, who were abducted on June 6 by Papuan separatists and held in Puncak Jaya district, were released on August 16. Papuan separatists kidnaped two transmigrants on September 23 after a raid on a military post in Bonggo district. The six plantation employees who were abducted in July 1999 in Papua near Arso remained missing.

Kidnaping of children for ransom is a recent and reportedly growing phenomenon. In July a 2-year-old boy was kidnaped after his grandparent in Ciwidney failed to pay a debt. The kidnaper surrendered to police before the child's parents paid the ransom.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh and Papua. Police often resort to physical abuse, even in minor incidents.

There were numerous credible reports that the army and police continued routinely to torture detainees in Aceh. A July report by KONTRAS stated that police and the TNI tortured 159 persons in Aceh. For example, a suspected GAM member told HRW that a joint security force of police, Brimob, and military arrested and blindfolded him on April 2. He said that his interrogators "used pliers to pull the nail off his left thumb, punctured his nose, and caused other scars on his forearm and nipple." Methods of torture documented in the past include beating, whipping, electric shock, and rape. AI reported that police at a military checkpoint in Southeast Aceh detained and tortured two human rights activists. The activists had been investigating reports that 100 persons in Central Aceh district had been killed in June by the TNI. AI reported that Brimob beat, shot, and killed three high school students detained at the Krueng Sabee police station in Caleng, West Aceh on June 18.

In Aceh army and police officials routinely use excessive force and violence when investigating attacks by armed separatists. Police and army personnel also routinely respond to attacks on soldiers by engaging in indiscriminate violence against bystanders. In March police and military burned hundreds of homes and stores in the East Aceh town of Idi Rayeuk after rebels briefly captured the town. Police and military killed three civilians and injured three others as they retook the town.

There were numerous credible reports that army, paramilitary groups, and police assaulted persons detained in Papua. Police arbitrarily detained, beat, and tortured persons in search operations after attacks on security facilities or private companies by unknown armed groups. According to the Institute for Human Rights Study and Advocacy (ELSHAM), Brimob forces responded to the killing of five Brimob members by unidentified gangs by conducting operations against villagers in Ransiki, and arrested and tortured nine persons, including a 15-year-old boy, who they beat unconscious. The TNI also arbitrarily detained over 100 persons during the search operation. KONTRAS reported that during the operation, the TNI tortured 14 to 16 of the persons it detained in the village of Wondiboi.

During testimony before the U.N. Committee Against Torture, Felice Gaer stated that sexual violence in the country "appeared to be frequently employed" as a form of torture. Gaer added that she had received numerous reports of sexual abuses, including rape, in Aceh, Papua, North Maluku, and Maluku. KONTRAS reports that there were 15 documented cases of rape in Aceh since April. According to a local report in Papua, the TNI raped 94 women and girls in Paniai between 1969 and 1998.

On March 7, 2000 in an isolated area of North Aceh's Matangkuli subdistrict, a group of armed men in army fatigues raped 4 women and sexually molested 12 others; they also beat severely 6 men and robbed their families; no persons had been charged by year's end. The trial for the rape of Sumiati, an Acehese woman allegedly raped by a TNI soldier in 1999, did not begin by year's end; Sumiati's rape case is one of five human rights trials that the special commission was scheduled to hear (see Section 1.a.). No charges were brought in the August 1999 rape of nine Acehese women in Kecamatan Tangse Selatan, Pidie district, for which TNI soldiers allegedly were responsible.

There are allegations that prointegration East Timorese militias in West Timor are holding East Timorese women as "sex slaves" (see Section 5). Kristy Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao reported in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed that the TNI had abducted them and forced them to serve as sex slaves in West Timor. No one was held accountable for the numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999.

In January 2000, the Minister of State for Women's Empowerment said that the Government would follow up on the recommendations of the joint factfinding team (TGPF) that investigated the May 1998 civil unrest in Jakarta and other cities. The team's report, issued in November 1998, found evidence that some elements of the army may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the at least 85 instances of violence against women that the team verified. However, no further investigations had been undertaken by year's end (see Section 5).

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed peaceful demonstrations to proceed without resorting to force. For example, the Asian Human Rights Commission (AHRC) reported in June that 19 demonstrators from the Young Christian Worker movement (YCW), the Student League for National Democracy (LMND), and the People's Democratic Party (PRD), were detained and tortured in Bandung. The demonstrators were protesting against changes to the labor laws regarding severance pay and oil-price increases. According to the Legal Aid and Human Rights Association, 18 of the demonstrators were released after 3 months of detention without trial, and 1 was sentenced to one year in prison for spreading hatred of the Government. On June 8, individuals allegedly belonging to an Islamic organization ransacked the Asia Pacific Solidarity Conference on Neoliberalism in West Java and reportedly harming some of the participants. Police did not intervene to protect the participants but instead broke up the conference and detained 2 local and 32 foreign labor activists (see Section 6.f.). On June 13, a mob of approximately 150 persons connected to the Golkar Party disrupted a Solidarity Center (ACILS) workshop on grievance handling in East Kalimantan (see Section 6.f.). In numerous instances in Papua in 2000 and during the year, police attempted to break up peaceful demonstrations in which Papuans raised the Papuan independence flag, and when Papuans resisted, police responded with excessive force, killing and injuring demonstrators (see Sections 1.a., 2.a., 2.b., and 5).

Police entered and caused property damage to the building housing the Indonesian Legal Aid Foundation (YLBHI) and Jakarta Legal Aid Society (LBH) on two occasions in which they pursued demonstrators who sought refuge in the LBH building. LBH reported that Brimob beat and ordered LBH personnel to strip to their undergarments and lie face down on the ground before putting them in a truck and taking them to police headquarters. In addition police broke windows and damaged cars with rocks, nightsticks, and bullets during the incidents.

Students and other civilians also engaged in violent and destructive behavior, resulting in nonlethal injuries and property damage. Ten thousand workers protesting the new severance pay decree in June threw stones, wood, and plastic bottles, injuring at least nine persons and damaging two hotels in Jakarta. Hundreds of pedicab drivers, using Molotov cocktails, machetes, steel bars, and stones, attacked 500 city public security officials, who were about to raid their illegal business in August. The drivers beat an official to death, two officials were injured, and the mob set fire to and stoned vehicles (see Section 1.a.). Muslim students in Makassar, South Sulawesi attacked non-Muslim students during two separate incidents on October 23 and 24, severely injuring six persons. The Muslims claimed to be retaliating against the burning of an effigy of Usama bin Laden in a predominantly Christian town. Hundreds of students from the Indonesian Muslim University (UMI) in Makassar destroyed property at the Japanese Consulate General and demanded the Consul lower the Japanese flag so it could be burned. The students were protesting U.S. military action in Afghanistan.

On August 22, 2000 East Timorese militias beat and severely wounded two UNHCR staff members at the Naen camp near Kefamenanu, West Timor. The UNHCR staff had been invited to the camp to distribute shelter supplies when a machete-wielding man attacked them and a mob stoned them. A series of bombings occurred in Jakarta and other cities, including Depok, Bekasi, Yogyakarta, Banten, and Central Sulawesi, from January through June at churches, overpasses, shopping malls, and residences (see Section 1.a.). An NGO Coalition (ORNOP) reports that there were 110 bombing incidents that claimed 26 lives and injured 201 persons during this year. Except for the case of the Stock Exchange bombing, no suspects were apprehended by year's end.

In the latter part of the year, several Islamic groups threatened Western persons and conducted "sweeping" operations at hotels and other public venues in an attempt to drive Westerners out of the city.

Prison conditions are harsh, and mistreatment and extortion of inmates by guards and violence among prisoners is common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military custody into the civilian prison system or into the custody of the Attorney General. Nine prisoners at the Kebon Waru Prison in Bandung died from untreated illnesses, according to press reports in July. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison rules and to coerce information about other prisoners. During an August raid of Cipinang Prison in East Jakarta, police seized knives, swords, sickles, machetes, firearms, and hand grenades, which had been smuggled into the prison for the inmates, according to press accounts. Prison brawls frequently occur over drugs or ethnic divisions. Former inmates at Jakarta's Cipinang Prison told the press in November 2000 that drug use among prisoners is common, and that inmates can obtain drugs, better treatment, and better conditions by bribing guards. Government officials admitted publicly that prison guards were involved in prison "drug syndicates."

Women are housed separately from men in prisons, but in similar conditions. Juveniles are not housed separately from adults.

The Government generally does not permit routine prison visits by human rights monitors, although some visits occasionally are permitted; however, the International Committee of the Red Cross (ICRC) was able to visit 12 convicted prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms, and authorities routinely violate it. The code specifies that prisoners have the right to notify their families promptly and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities at times made arrests without warrants.

The law presumes that defendants are innocent and permits bail. Defendants or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it virtually is impossible for detainees to invoke this procedure or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days. The courts generally respect these limits.

The authorities routinely approve extensions of periods of detention. In areas in which active guerrilla movements exist, such as Aceh and Papua, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted. The authorities frequently prevent access to defense counsel while suspects are being investigated and limit or prevent access to legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics are under the Criminal Code.

Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.). Labor activist Ngadinah was arrested on April 23 and charged with "unpleasant behavior" and inciting other workers to strike in an athletic shoe factory. Police detained Ngadinah for 2 weeks. She remained under house arrest until August 30, when a court acquitted her of all charges. On June 8, individuals allegedly belonging to an Islamic Organization ransacked the Asia Pacific Solidarity Conference on Neoliberalism in West Java and reportedly threatened some participants. On June 17, two student activists in Jakarta were arrested and charged with inciting "chaos" following a violent demonstration in Jakarta against a fuel price increase. The two students were

sentenced to 5 months in jail in September and remained in detention at year's end (see Section 6.b.).

There is no reliable data on the number of arbitrary arrests or detentions without trial, particularly in Aceh and Papua, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh. On November 20, the head of the Aceh NGO (SIRA), Muhammad Nazar, was arrested on charges of "spreading hatred" by hanging banners in favor of a referendum and against the military during a campus rally in August 2000. He was convicted in March, sentenced to 10 months in prison, and released in December. On July 20, in Banda Aceh, police detained six GAM representatives to the "Peace Through Dialog" negotiations sponsored by the Switzerland-based Henri Dunant Center (HDC). Police claimed the individuals were rebels and not negotiators and arrested them on suspicion of subversion. Five of the six negotiators reportedly were released on August 29; the sixth remained in detention at year's end, accused of possession of false passports. In August Acehese student leader Faisal Saifuddin was detained in Jakarta on similar charges. His trial was ongoing at year's end. Acehese student leader Kautsar Mohammed Yus was detained in Banda Aceh in July on the charge that he spread hatred of the Government during a demonstration against ExxonMobil operations in Aceh. He remained in detention by year's end. In June and July, the TNI arbitrarily detained over 100 persons during a military operation in search of OPM members (see Section 1.c.).

Police detained numerous persons in Papua after violent clashes in Jayapura in December 2000, Merauke in November 2000, and in Wamena in October 2000 (see Sections 1.a., 1.c., and 5). On December 15, police detained the director of the Institute of Human Rights Study and Advocacy in Papua for 22 hours (see Section 4). Four Papuan students were convicted on August 7 of defaming the Government for a December 2000 proindependence demonstration in front of a foreign embassy. The district court sentenced the students to 3 months in prison, including time served. Prior to the August trial, the students already had been detained for 3 months and released in March pending their trial. In March 2000 the regional police command for Papua investigated criminal charges against 16 leading members of the Papuan Presidium Council for crimes against the security of the state and public order, based on claims that they had organized a gathering of Papuan community leaders in February 2000 and a peaceful Papuan independence flag-raising on December 1, 1999. The investigation against some of the 16 persons later was dropped; however, in November 2000, police arrested the chairman, secretary general, and three other Papuan Presidium Council members on similar charges (see Sections 2.a. and 5). In mid-December 2000, 17 Papuan activists went on trial in Wamena on charges of endangering state security by promoting separatism during an October 6, 2000, flag-raising incident in which police killed 13 Papuans, then later killed 2 dozen migrants. The courts found all guilty of rebellion, attempting to secede from the State of Indonesia, and other lesser offenses, and sentenced them to terms of imprisonment ranging from 1 to 4 years. On June 12, they filed an appeal against their sentences to the Supreme Court. An earlier appeal to the Papua High Court was rejected.

Security forces detained a number of foreign members of both foreign and domestic NGO's during the year (see Section 4).

In past years, several foreign tourists have been subject to arbitrary arrest and detention while traveling in Papua.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, there are a few signs of judicial independence, and in practice, the judiciary is subordinate to the executive and the military. Pursuant to a 1999 law, a gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court is to take place by 2004. However, judges are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption, and judges are subject to considerable pressure from governmental authorities, who often exert influence over the outcome of cases.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from a district court to a high court to the Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of the law. The Supreme Court theoretically is an equal branch in relation to the executive and legislative branches, and in November the MPR granted the Supreme Court the right of judicial review over laws passed by Parliament (see Section 3).

A panel of judges conducts trials at the district court level, which consists of posing questions, hearing evidence, deciding guilt or innocence, and assessing punish-

ment. Initial judgments rarely are reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal cases.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. State prosecutors are reluctant to use existing legal powers to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and may be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigative period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance, even if information developed during testimony subsequently becomes the basis of an investigation of the witness. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, an attorney must be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases, procedural protections, including those against confessions coerced by the security forces or police, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system, and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

In October the review panel of the Supreme Court overturned the Court's own guilty verdict against former President Soeharto's son, Hutomo "Tommy" Mandala Putra, shortly after the killing of one of its justices. Police accused Tommy Soeharto of ordering the killing of the justice to influence the outcome of the trial. Legislators, the Attorney General, and legal reformers have expressed their disagreement with the review panel's decision in the case. However, in the absence of any law providing for the appeal of a review panel's decision, the decision to overturn the Court's guilty verdict likely would stand.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The Courts continued to be used to take action against, or deny legal remedy to, political activists and government critics.

In November 2000, the DPR enacted a law establishing a permanent human rights court. The law creates four new district courts to adjudicate gross violations of human rights. The law requires that each of the five-member human rights courts include three human rights judges appointed to 5-year terms by the President upon nomination by the Supreme Court. Although cases are appealed to the standing High Court and Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as a gross violation. The law strengthens the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the extension of any detention of alleged violations to be approved by the human rights court. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offense.

During 2000 victims of human rights violations sought for the first time to use the courts to obtain redress. In July 2000, the People's Democratic Party sued former President Soeharto and 13 other former senior officials for damages associated with the imprisonment of party leaders, the banning of the party, and the destruction of its property. The suit still was being heard at year's end. In addition in 2000, four members of the Agrarian Reform Consortium (KPA) sued the police in Jakarta for forcibly removing them from a peaceful demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. After

being forcibly removed, they later were kidnaped and threatened by unknown persons (see Sections 1.b. and 4). A district court dismissed the suit, but an appeal to the High Court still was pending at year's end.

President Wahid released all remaining political prisoners from the Soeharto and Habibie eras in December 1999. A number of prisoners since have been convicted and are serving sentences on criminal charges such as subversion, defaming the Government and rebellion (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; however, security agencies regularly made forced or surreptitious entries into homes and offices. Security forces also commonly engaged in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

The Government and the DPR discussed implementing the Law on Overcoming Dangerous situations, which the DPR approved in September 1999, but which the President never signed. The law would allow the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant but would require such searches be reported to the courts within 24 hours. In November 2000, the Cabinet decided to further postpone implementation of the law to permit additional discussion and possible amendments. In January the Government asked the Ministry of Defense and Ministry of Justice and Human Rights to revise the bill; however, the law had not been implemented by year's end.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. However, according to the Action Committee for the Release of Political Prisoners (KAP T/N), these persons and their relatives no longer are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. Former PKI members also no longer are required to have official permission to change their place of residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued to be used in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been used by the Government to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination.

Under the government-sponsored transmigration program, large numbers of persons were moved voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Papua. However, the Government reduced its support after the economic downturn that began in mid-1997, and in December 2000, Minister of Manpower and Transmigration Alhidal Hamdi announced that the Government had stopped sending transmigrants between islands as of August 2000. He said that henceforth the Government only would support transmigration within the same province. Conditions at some relocation sites are life-threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. In June 2000, 68 transmigrant families left their camp in Bonggo sub-district, Papua, because of poor living and agricultural conditions, disease, and inadequate support from the Government. They told the Legal Aid Society in Jayapura, where they took refuge, that 39 families at the site were suffering from severe malnutrition, and that lack of health care facilities contributed to a high disease and mortality rate. Transmigrants and migrants outside of the Government's transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in Papua and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon. Indigenous inhabitants also believed that they were being discriminated against with the disbursement of development funds to other newly arrived groups that they perceived to be their economic rivals (see Section 5). Allegedly this was a contributing factor in the June 25 and 26 attack on the Pontianak IDP camps (see Section 1.a).

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5).

The Government restricts the import of Chinese-language publications (see Sections 2.a. and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, journalists continued to suffer intimidation and assaults in areas of unrest. The Constitution contains a general provision for freedom of expression that was strengthened by the MPR's amendment of the Constitution in August 2000, and the 1999 law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, journalists continued to be intimidated and abused during the year. President Megawati revived the Ministry of Information, the institution that controlled media reporting through censorship during former President Soeharto's era. According to the Government, the reinstated Ministry's primary goal is to disseminate information to the public. There were no reports that the Ministry was responsible for restricting freedom of the press by year's end.

The Alliance of Indonesian Journalists (AJI) revealed that police had assaulted journalists 47 times during the first 4 months of the year. AJI stated that the threat of violence from police or even police summons for journalists to be witnesses, as well as threats from members of the public, compel journalists to practice self-censorship.

The Committee to Protect Journalists (CPJ) reported on the May 24 attack on six journalists in Central Java by the organization Laskar Diponegoro, which was composed of supporters of then-President Wahid. According to local and international sources, the perpetrators verbally and physically abused the journalists, who were reporting on a rally. One reporter, from the Jakarta-based daily newspaper *Republika*, suffered a concussion and was in the hospital for 5 days.

On August 28, the Maluku governor banned two newspapers, one Christian and one Muslim, accusing both of biased reporting and claiming that they threatened national security (see Section 2.b.). In North Maluku, the provincial government threatened to shut down operations of several local print media outlets for implicating the governor in corrupt practices and for biased reporting on ethno-religious conflicts. By year's end, the local police had taken no action.

During the year, the media often reported on corruption, political protests, national unrest, and the public debate between then-President Wahid and the DPR leading to Wahid's impeachment. Most major media are not hesitant to publish critical and balanced stories on sensitive problems or to criticize public figures. All print media are private. The press has been highly critical of both the GAM and the military in Aceh, reporting both sides of the conflict.

Since the Department of Information was abolished in 1999, most editors have believed that the Government no longer required a license to publish a newspaper or magazine because there no longer was a controlling body to receive reports. President Megawati revived the Ministry of Information, the institution that controlled media reporting through censorship during former President Soeharto's era. According to the Government, the reinstated Ministry's primary goal is to disseminate information to the public. There were no reports that the Ministry was responsible for restricting freedom of the press by year's end.

The Government operates a nationwide television network with 12 regional stations. Private commercial television networks, most with ownership by, or with management ties to, former President Soeharto's family, continued to flourish. All are required to broadcast government-produced news, but they also broadcast news and public affairs programming independently. Television networks increased their news coverage during the year, including extensive coverage of the DPR and MPR sessions.

In September 2000, the Film Censor Board (LSF) issued a circular to television stations stating that recorded talk shows that discuss social and political topics must be reviewed by the Board before they are broadcast. Media figures and legal experts claim that the circular had no legal standing because it conflicted with the 1999 Press Law, which forbids censorship of the press. Some observers called for the abolition of the LSF, which censors films for sex and violence, although there was no attempt at enforcement by the LSF.

As of October, 779 private radio broadcasting companies exist in addition to the Government's radio network. The Government radio station, *Radio Republik Indonesia* (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the news programming throughout the country.

Regulations issued by the Government in 1998 reduced the number of compulsory government RRI programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Government's requirement, many private radio stations in larger urban areas broadcast the RRI program only once per day. The regulations allowed stations to produce their own news programs, and

many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic problems.

Foreign television and radio broadcasts are readily accessible. Satellite dishes and cable television networks have proliferated throughout the country, and there is unrestricted access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals circulate widely without censorship.

The Government restricts the import of Chinese-language publications and music (see Sections 1.f. and 5). There are seven locally published Chinese language newspapers. In November 2000, a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965.

The Government regulates access to the country by visiting foreign correspondents, particularly to areas of unrest. It occasionally reminds resident foreign correspondents of its authority to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to Aceh and Papua; however, there are no reports that the Government enforced this regulation during the year.

The Government requires a permit for the import of foreign publications and videotapes, which must be reviewed by government censors. Customs forms require entrants into the country to declare possession of Chinese publications, although significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer remain banned, although some are in circulation. The Government banned no additional books during the year; however, protests from Islamic groups prompted three publishers to remove books from bookstores. In May the Islamic Youth Movement (GPI), an Islamist organization, burned books on Karl Marx and threatened bookstores with the forcible removal of books dealing with communism. Media and human rights NGO's criticized the calls to withdraw the books from circulation as a violation of freedom of expression.

The 1999 law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism, or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

The security forces inconsistently enforced a no-tolerance policy against flying the Papuan or Acehnese flags until the Papua Autonomy Law, which allows the flying of the Papua flag as a cultural symbol, was signed into law in November. Security forces tore down and destroyed flags and flag poles, and in some cases beat or killed those attempting to raise or protect separatist flags. The Government pressed criminal charges of treason against Alex Manuputty, Secretary General of the FKM, after he refused to abide by a ban on FKM activities and hoisted the separatist South Maluku Republic (RMS) flag on April 24 in Ambon. Manuputty faces maximum penalties of 7 years for hostile intentions and 4 years for treason.

The GAM intimidated journalists in Aceh. Aceh's leading daily newspaper, Serambi Indonesia, closed for a month beginning on August 11 after harassment from the GAM. The GAM also kidnaped three television crew members for 3 weeks, claiming that their media coverage was biased (see Section 1.b.).

Editors of several Jakarta newspapers and major television stations said that they had received letters and telephone calls from extreme religious groups threatening physical violence for articles or editorials the group considered against their beliefs. The editors acknowledged that these threats from citizen groups have a chilling effect on how they report the news.

The law provides for academic freedom, and there are no significant constraints in practice on the activities of scholars. Political activity, open discussions, and blunt criticism of the Government at universities continued to flourish during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right in certain areas. There are no permit requirements for public social, cultural, religious, or scientific meetings, of five or more persons. However, organizers of political, union, and public policy meetings must notify the police (see Section 6.a.). In practice some public meetings were dispersed forcibly. On July 6, four alleged police intelligence officers interrupted an international NGO workshop in Manado, North Sulawesi. The officers demanded that facilitators provide proof of prior notification about the conference, a written explanation of course activities, and a list of the participants before allowing the workshop to continue.

The law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators.

The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country with or without official permission. The Government previously had invoked the law to detain and try demonstrators in Jakarta and elsewhere; however, no such trials occurred during the year. Participants in several demonstrations were killed and suffered injuries when security forces seeking to disperse crowds shot, beat, and kicked demonstrators (see Sections 1.a. and 1.c.). Ten thousand workers protesting the new severance pay decree in June threw stones, wood, and plastic bottles, injuring at least nine persons and damaging two hotels in Jakarta. Hundreds of pedicab drivers, using Molotov cocktails, machetes, steel bars, and stones, attacked 500 city public security officials, who were about to raid their illegal business in August. The drivers beat an official to death, two officials were injured, and the mob set fire to and stoned vehicles (see Section 1.a.). Muslim students in Makassar, South Sulawesi attacked non-Muslim students during two separate incidents on October 23 and 24, severely injuring six persons. The Muslims claimed to be retaliating against the burning of an effigy of Usama bin Laden in a predominantly Christian town. Hundreds of students from the Indonesian Muslim University (UMI) in Makassar destroyed property at the Japanese Consulate General and demanded the Consul lower the Japanese flag so it could be burned. The students were protesting U.S. military action in Afghanistan. Police broke up several peaceful demonstrations in Papua. In some instances, police broke up peaceful demonstrations in which Papuans raised the Papuan independence flag and, after demonstrators resisted, killed and injured many demonstrators (see Sections 1.a., 1.c., 2.a., and 5).

The vast majority of public gatherings and demonstrations, which have proliferated rapidly since President Soeharto's resignation, occurred without any official interference. A number of labor strikes throughout the year and demonstrations during the MPR Special Session to impeach Wahid took place without police or TNI intervention (see Sections 3 and 6.a.).

The Constitution provides for freedom of association; however, the Government places some controls on the exercise of this right. The Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, limits political activity and prohibits groups from seeking to engage in democratic political competition, to make Indonesia an Islamic state, to revive communism, or to reintroduce partisan ideological division into the country.

The 1999 Law on Crimes Against the State (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or are properly suspected" of embracing the teachings of Communism/Marxism/Leninism "in all its forms and manifestations." It empowers the Government to disband any organization that it believes to be acting against Pancasila, and it requires prior government approval before any organization may accept funds from foreign donors. The Communist party is banned; however, the requirement for prior government approval is ignored so widely as to be meaningless.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for religious freedom for members of officially recognized religions, and the Government generally respects this provisions in practice; however, there are some restrictions on certain types of religious activity and on unrecognized religions. The Constitution also requires the belief in one supreme God.

The law officially "embraces" five religions—Islam, Catholicism, Protestantism, Buddhism, and Hinduism; however, on June 1, the Government lifted its remaining ban on Jehovah's Witnesses, and in January 2000, President Abdurrahman Wahid lifted the ban on the practice of Confucianism that had existed since 1967. While only these religions are recognized officially, the law also states that other religions are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Some religious minorities, including the Baha'i and Rosicrucians, were given the freedom to organize in May 2000. The MPR adopted a Human Rights Charter that provides citizens the freedom to practice their religion without specifying any particular religion.

Jehovah's Witnesses had been banned from practicing their faith since 1976; however, the ban was lifted in June by presidential decree. The Government requires Jehovah's Witnesses to register with the Ministry of Religious Affairs, under the Directorate General of Protestantism. Unlike in previous years, members of Jehovah's Witnesses have not reported any incidents of harassment or any difficulties in con-

ducting civil matters, and some local governments have issued permits to build places of worship.

A presidential decree promulgated in January 2000 repealed the ban on the practice of Chinese religion, its beliefs, and its customs. Confucianists are permitted to celebrate publicly the Chinese New Year. A Ministry of Interior circular issued in late March 2000 permits Confucianism to be listed as a religion on marriage license applications, allowing Confucian marriages to be recognized and registered officially in the country. However, not all communities have implemented the new guidelines.

Members of the Baha'i Faith generally did not report problems during the year. However, in May a crowd of Muslims reportedly expelled two Baha'i families living in a predominantly Muslim village in the Donggala District of Central Sulawesi.

The Government in some provinces has banned the messianic Islamic sect Darul Arqam; the Government also bans the Al-Ma'Unah school in some provinces. The Government attempts to monitor Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has attempted to control Muslim groups whose practices deviate from mainstream Islamic beliefs because of pressure by nongovernmental leaders of mainstream or conservative and traditional Muslim groups as well as the Government's concern for national unity. A proposal to implement Islamic law failed to gain MPR approval in August 2000.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The first tenet of Pancasila is belief in one supreme God; however, individuals are not compelled to practice any particular faith. All citizens must be classified as members of one of the officially recognized religions and atheism is forbidden. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government actively supports allowing Islamic law in Aceh, although it had not been implemented by year's end, and has dropped previous public opposition to groups who support it elsewhere. The Vice President in fact has publicly expressed support for Islamic law for Muslims in the whole country.

Religious violence and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations that officials were complicit in some of the incidents or, at a minimum, allowed them to occur with impunity. There were numerous instances of attacks on churches, mosques, temples, and other religious facilities during the year (see Sections 1.a. and 5). The most widespread interreligious violence occurred in Maluku province. Governor Latuconsina estimated that 164 houses of worship were damaged or destroyed between June 2000 and July 2001, and that thousands of persons were killed as a result of violence between Christians and Muslims. For example, in June, 20 civilians were killed in a firefight between security forces and Laskar Jihad members (see Section 1.a.). A bomb planted on a passenger ship exploded in the Bay of Ambon on December 11, killing 3 passengers and injuring 39 others. Soon after, several hundred Christian youths and Muslims fought as security forces stood by. On Seram Island in Maluku, hundreds of Christians converted to Islam in July to save their lives (see Section 5). The Government continued to be reluctant to intervene in mob attacks on houses of worship and proved ineffective in controlling the violence in Maluku province; however, governmental efforts to respond to communal violence in the provinces of North Maluku and Sulawesi generally were more effective (see Section 5).

In Maluku Christian sources alleged that elements of the security forces were biased against them. However, there was no evidence to suggest that the security forces, as an institution, supported either side. Some individuals and some units occasionally sided with their coreligionists, but their actions appeared to be random and contrary to orders. Some military troops were detained and interrogated for allegedly openly siding with militia in at least one episode on Haruku; however, there were no reports that such perpetrators ever were punished. Several hundred police officers have themselves been attacked and some killed because of their religion; hundreds of police members and their families, and numerous other government officials, are among the country's IDPs.

According to many Christian officials, the anti-Christian sentiment behind the violence in the Moluccas, Sulawesi, and elsewhere is not new, but the impunity associated with such acts has increased since the resignation of Soeharto in May 1998. In April local courts sentenced to death three Christian suspects who were found guilty of killing hundreds of Muslims and inciting religious hatred in Poso, Central Sulawesi, in May and June 2000. The Government did not investigate fully most cases of attacks on religious facilities that occurred during riots, and in other cases, did not investigate such incidents at all; however, the Government formed a special interagency team to investigate the December 24 bombings on Christian churches,

and an NGO has formed a joint fact-finding team with the Government to investigate the Christmas Eve church bombings (see Sections 1.a., 1.c., and 5).

A regulation provides that before a house of worship may be built, consent must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is used to prevent them from building churches and rebuilding damaged religious facilities. Nonetheless, Christians continued to build churches during the year.

The law allows conversion between faiths, and such conversions do occur. Independent observers note that it is difficult to obtain official recognition for interfaith marriages between Muslims and non-Muslims. Persons who are not members of one of the five accepted religions also have difficulty in obtaining official recognition of their marriages.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive, and discourages it. Foreign missionary activities are relatively unimpeded, although in North Maluku, the provincial government requires missionaries to engage in strictly humanitarian work. In the first half of the year, the Government deported Australian missionaries who did not inform the regional government of their activities. In addition visas allowing the official entrance of new foreign clergy are difficult to obtain. Nonetheless, many foreign clergy come to the country. Laws and decrees from the 1970's limit the number of years that foreign missionaries may spend in the country, although some extensions were granted in remote areas like Papua. Foreign missionary work is subject to the funding stipulations of the Social Organizations Law (see Section 2.b.).

The Government does not target or use violence against converts to or from a particular religion; however, witnesses testified to human rights groups of multiple incidents in which active duty and retired military personnel stood by during the torture of Moluccan Christians who refused to convert.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution permits the Government to bar persons from either entering or departing the country, and the Government restricts freedom of movement to some extent. A September 20 press report indicated that 201 suspects were prevented from leaving the country by the Attorney General's office, and that 29 suspects similarly were barred from leaving by the Finance Ministry. A decree issued in July permits the Government to confiscate and revoke the passports of persons banned from travel outside of the country. The Government exercised this authority in September when it banned the travel of two businessmen suspected of involvement in a graft case. In 1999 according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, and 417 citizens who are prohibited from leaving the country. Five prominent Papuan leaders who were barred from leaving the country in August 1999 (see Section 5) subsequently were allowed to travel abroad; however, some of them only were able to travel after foreign governments made high-level representations on their behalf.

The Government also restricts movement by citizens and foreigners into and within parts of the country. The 1999 Law on Overcoming Dangerous Situations (see Section 1.f.) allows the military to limit land, air, or sea traffic, to prohibit migration into and out of areas, to order relocation of persons outside areas, and to order house arrest in a declared state of emergency. Following demonstrations against the law, the Parliament sent the law to the Ministry of Justice and the Ministry of Defense for revisions. The law was passed during the year; however, it has yet not been implemented.

The State Intelligence Agency screens the proposed foreign staff members of non-Indonesian institutions that implement technical cooperation programs, including NGO's, before the State Secretariat approves the staffs' entry into the country (see Section 4). Foreign consultants and foreign assistance staff, particularly those working in sensitive parts of the country such as Aceh, Papua, and the Moluccas, must be cleared by the Intelligence Coordination Agency (BAKIN) before their assignments can be approved by the State Secretariat.

On June 23, 2000, then-President Wahid announced a ban on all travel to Maluku and North Maluku provinces; however, the ban was not enforced effectively. On June 26, 2000, the President declared a state of civil emergency for both provinces. The emergency decree, originally in place for 90 days, was extended indefinitely (see Sections 1.a., 1.c., 2.c., and 5).

The Government requires that individuals obtain permits to work in certain areas, primarily to limit further population movement to crowded cities; however, this requirement is universally ignored.

According to the Government, foreigners residing in the country for more than 3 months were required to register with the Immigration Office between August 10 and October 10 for census purposes. This reinforced the Foreigner Registration Law, under which violators may be subject to a maximum of 1 year in prison and a 500 fine (5 million rupiahs).

Although former political prisoners associated with the abortive 1965 coup no longer are officially required to carry the stamp "E.T." on their identity cards, in many cases, the stamps have not been eliminated in practice (see Section 1.f.).

Following the August 30, 1999 consultation vote in East Timor, there was credible evidence that, in a planned and orchestrated operation, the security forces and militia forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory at that time. Over 190,000 of these IDP's have returned to East Timor, but during the first half of the year intimidation by East Timorese prointegration militia forces in the camps in West Timor continued to prevent many others from returning (see Sections 1.a. and 1.c.).

All international assistance to the IDP's in West Timor was suspended following the September 6, 2000, attack on UNHCR personnel in Atambua, in which three UNHCR workers were killed, and did not resume during the year (see Sections 1.a. and 4). The Government's failure to disarm and disband the militias created security conditions unfavorable to the resumption of international assistance. There is evidence that TNI elements have supported the militias with supplies and training, although such support apparently declined in 2000. In 2000 and during the year, the Government began to take steps to promote the voluntary and safe return of IDP's, for example, by agreeing to settle pension claims for some IDP's who requested repatriation, or resettlement in Indonesia. There is no evidence that the Government is returning forcibly or resettling East Timorese IDP's. The Government planned to end support to East Timorese IDP's in West Timor, and closed the refugee camps; however, this had not occurred by year's end.

According to a U.N. World Food Program report released in November, there were over 1,321,136 IDP's in Indonesia, up from slightly over a million in 2000. The largest number of IDP's were from the sectarian conflict in Maluku and North Maluku, although some Moluccan IDP's returned to their homes during the year. In Maluku province, there were 338,440 IDP's and 166,318 in North Maluku. There were 46,103 IDP's in North Sulawesi, almost entirely Christians from Maluku and North Maluku; 35,611 in Central Sulawesi (most displaced by sectarian fighting in the Poso area); and 246,904 in South and Northeast Sulawesi. Other IDP's from Maluku are located in Papua, which has a total of 16,870 IDP's. There were 48,585 IDP's in North Sumatra and another 14,351 displaced within Aceh. There were 194,596 IDP's on the island of Java. In Kalimantan, there were 60,777 displaced Madurese. Other islands, including Bali, hosted smaller numbers of displaced persons.

The Government generally has encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi (see Section 4). However, on occasion both Muslim and Christian groups have accused some foreign donors of partiality. The Government had not been particularly effective or helpful in promoting the voluntary and safe return or resettlement of the IDP's in these areas by year's end.

In East Java, there were no reports during the year of police forcibly evicting to other areas persons rumored to be practitioners of magic (see Sections 1.a. and 5).

During the year, indigenous Dayaks forced over 105,000 Madurese migrants to flee their homes in Central Kalimantan (see Sections 1.a. and 5). An estimated 40,000 Madurese who fled their homes during interethnic violence in 1999 remained in IDP camps in West Kalimantan and Madura (see Sections 1.a. and 5).

Throughout the year, thousands of rural Acehnese temporarily fled their villages and became IDP's. In some cases, IDP's were fleeing security forces that were patrolling the area or otherwise intimidating them (see Sections 1.a. and 1.c.). In other cases, armed separatists terrorized or coerced villagers into becoming IDP's, in part to create international attention and sympathy. In other cases, rural nonethnic Acehnese residents were targeted by armed separatist GAM members. In June the GAM conducted a series of attacks in Central Aceh against Javanese and Gayo residents, displacing thousands of persons.

Unrest in Papua caused numerous persons to leave their homes in Wasior district and other areas. Hundreds of persons fled security force search operations connected to the killing of five Brimob officers (see Section 1.a.). Approximately 300 Papuan refugees remain in camps in Papua New Guinea, afraid to return for fear of being targeted by security forces as militants. Forty-six families fled a Bonggo transmigration site during an exchange of fire between security forces and militant groups.

The law does not provide for the granting of asylum and/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 UNHCR, which maintains a regional office in Jakarta. As of December 31, the UNHCR had registered 2,835 asylum seekers and refugees. Of this number, 1,459 were Iraqis, 1,035 were Afghans, 174 were Iranians, and 167 other nationalities. The Government has not formulated a policy regarding asylum; however, there were no reports of the forced return of persons to a country where they feared persecution.

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

In 1999 citizens for the first time successfully changed their government through an open, transparent democratic process, following decades of authoritarian rule. The People's Consultative Assembly (MPR) meets every 5 years in a "General Session" to elect the President and Vice President in separate secret ballots and to establish the "Broad Guidelines of State Policy" (GBHN), which is intended to serve as a policy plan for the Government.

In July the MPR met to convene an "Extraordinary Session" to require then-President Wahid to account for his performance in office. Claiming the charges politically were motivated, Wahid refused to appear, instead issuing a directive to "freeze" the MPR, the House of Representatives, DPR, and the Golkar party, and to hold new elections, exceeding his authority under the Constitution. The military and police refused to implement the directive, and on July 23, the MPR cancelled Wahid's mandate and Vice President Megawati Soekarnoputri replaced Wahid as President provided by law.

The 695-member MPR consists of the 500 Members of the DPR, 130 regional representatives, who are elected by provincial legislatures, and 65 appointed representatives from functional and societal groups. The June 7, 1999 general election, in which 48 political parties participated, was monitored by domestic and international observers and was widely considered open, fair, and free. In October 1999, the newly installed MPR chose Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President in a transparent process, which was broadcast live on national television. The next round of general and presidential/vice presidential elections is scheduled for 2004.

Reportedly, the military's significant historical and sociopolitical role, is being phased out gradually. Although the police and military are separated, the 2 institutions continue jointly to hold 38 unelected seats in the DPR and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. In addition to these appointed legislative positions, active-duty military and police officers also may run for election to government office but, in a significant departure from past practice, are expected to retire (except those appointed to legislative bodies) after they are elected; however, retired officers often retain strong ties to their former institutions, and occupy important positions at all levels of government. The military and police have agreed to relinquish their appointed seats in the DPR and regional legislatures by 2004, but an MPR decree passed in August 2000 allows them to retain seats in the MPR until "not later than" 2009. In an apparent effort to decrease demands for an immediate end to their legislative positions, military and police legislators generally have sought to limit their involvement in matters deemed not to affect their core interests.

The legislative branch, which had no independence during the Soeharto era, has moved forcefully to establish its independence from the executive branch. A number of constitutional changes, MPR decrees, and legal changes have enhanced legislative branch authorities, raising some concerns that the balance of power may have shifted too far from the executive branch. However, during its November session, the MPR amended the constitution to provide for direct presidential and vice presidential elections, a bicameral legislation with a regional representative's chamber, and a constitutional court with the power of review of the legislation. The MPR was to decide its precise future role and transitional arrangements through further constitutional changes to be considered in 2002. The legislative branch has demonstrated its independence through the DPR's aggressive pursuit of its government oversight function, as well as the MPR's success in first forcing President Wahid to cede more authority over daily government management to Vice President Megawati because of perceived inefficiency and inconsistency in the Wahid Administration's implementation of policy. Through the first half of the year, the DPR's legislative record reflected its almost exclusive focus on removing Wahid from office; however, it was restricted by cumbersome procedures and a lack of staff expertise. Nonetheless, it exercised considerable influence over the final content of bills introduced by the Government. Legislative reforms passed in October established a legislative code of ethics and streamlined the legislative process.

The MPR is empowered to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August 2000. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the first amendment of the Constitution, the 1999 MPR passed curbs on executive power, including a limit of two 5-year terms for the President and Vice President. At the same time, the MPR empowered an ad hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the passage of the second amendment to the Constitution during the "Annual Session" in August 2000. The second amendment did include many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. During its November session, the MPR amended the 1945 Constitution to provide, among other changes, for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of judicial review of legislation. The amendments, if fully implemented, would increase elected officials accountability to constituents by allowing persons to directly elect the President and Vice President.

The remaining 92 percent of national and 90 percent of regional parliamentary seats that are not occupied by members of the military and police are filled through elections held every 5 years. All adult citizens, except active-duty members of the armed forces, persons in prison convicted of crimes punishable by over 5 years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice, are eligible to vote. Members of the banned Indonesian Communist Party (PKI) may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 1999 parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities, particularly in remote areas. The numerous technical problems, due to inadequate preparations and ambiguities in the regulations, included inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and insufficient funds to pay poll workers. There were numerous, and in some cases credible, allegations of vote buying and scattered allegations of voter intimidation, particularly in rural areas. In some cases, alleged violations were referred to judicial authorities for legal action; however, in most cases, political parties reached informal solutions among themselves.

The actions of some small party representatives on the General Election Commission (KPU) contributed to a significant delay in validating election results and led to a considerable loss of public faith in the impartiality and integrity of the KPU. In June 2000, the DPR amended the 1999 election laws to establish a new and more independent KPU, which was being formed through a transparent process that encourages public involvement. Some observers are concerned that the new KPU secretariat would remain administratively dependent upon the Ministry of Home Affairs.

While there are no legal restrictions on the role of women in politics, the percentage of women in government and politics does not correspond to their percentage of the population. The President, Megawati Soekarnoputri, is a woman, as are two members of her Cabinet. However, there are fewer women in the DPR and in the MPR than during the Soeharto era. Women represent less than 9 percent of DPR members, a decrease from 13 percent during Soeharto's last term. Nonetheless, many women activists argue that the quality of female politicians has improved. Female Members of Parliament announced in mid-October 2000 the formation of a non partisan women's caucus. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority (see Section 5). The Papua Special Autonomy Law reserves one-third of the seats on a Papuan Peoples' Assembly for women.

While there are no legal restrictions on the role of minorities in politics, the percentage of minorities in government and politics does not correspond to their percentage of the population. In the Cabinet, there are 15 Javanese, 4 Sundanese, 1 Bugese, 1 Papuan, 1 Sumbawa, 1 Flores, 1 Kalimantan, 1 Bali, 1 Chinese, 2 Acehese, 2 Minang, and 1 Batak.

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

Domestic human rights organization are subject to monitoring, interference, and abuse from the Government; nonetheless, domestic human rights organizations were extremely active in advocating improvements to the Government's human rights performance. They pressured the Government to investigate human rights abuses,

acted as defense counsel in political trials, sought to offer assistance—and in some cases protection—to victims and witnesses of human rights abuses, and urged improvements in government policies and legislation.

There are many local NGO human rights organizations, including the Indonesian Legal Aid Foundation, the Indonesia Legal Aid and Human Rights Association and the Commission for Disappearances and Victims of Violence. The Government meets with these NGO's regularly.

At times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. For example, according to HRW, between November 2000 and October 2001, seven human rights defenders were killed in Aceh. Muhamad Efendi Malikon, secretary of the East Aceh Care Forum for Human Rights was killed on February 28, in Peukan Langsa village. His body was found shortly after he was stopped at a checkpoint by the paramilitary police. By year's end, there were no progress on the investigations of past killings of NGO workers.

In 2000 police summoned the director of Papua's best-known human rights organization, the Institute for Human Rights Study and Advocacy in Papua (ELS-HAM), for questioning; police released him on December 16, 2000, after nearly 22 hours of questioning. The director was ordered to the station after ELS-HAM held a press conference in which it accused the police of the extrajudicial killing of three persons on December 7 (see Section 1.a.).

Four members of an NGO based in Bandung, West Java, that advocates on behalf of dispossessed farmers, claim that they were kidnaped on August 14, 2000, (see Sections 1.e. and 4). The office of the Committee for Missing Persons and Victims of Violence (KONTRAS), based in Jakarta, was attacked during a series of bombings in various areas of the country in 2000 (see Section 1.c.).

Intimidation, threats, and violence toward NGO's escalated in West Timor in 2000, greatly hindering humanitarian operations. Intimidation by militias and outright attacks forced all international humanitarian aid organizations to withdraw from West Timor in September 2000; they had not returned by year's end (see Sections 1.a. and 1.c.).

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country (see Sections 2.c. and 2.d.); however, some NGO's allege that the Government has used this requirement to restrict their activities, especially in sensitive areas.

The Government generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs. In addition security forces and intelligence agencies tended to view foreign NGO's and international organizations with suspicion and distrust, particularly those operating in conflict areas. For example, on June 8, police detained overnight 34 foreigners representing NGO's, as well as the Indonesian organizers of an Asia Pacific Solidarity Conference on Neoliberalism in Depok, West Java (see Section 6.b.). On August 18, police detained overnight six German students, according to press accounts, for activities deemed incompatible with their visitor visas. The students were conducting demographic research in Jakarta with the help of the Urban Poor Consortium, a local NGO. Immigration officials initially said that the students would be deported, but later admitted that they did not have sufficient funds, and the students were permitted to depart at their own expense.

The Government generally encouraged and assisted foreign and domestic humanitarian aid. However, on occasion both Muslim and Christian groups accused some foreign donors of partiality (see Section 2.d.).

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit known prisoners and others detained by security forces. The ICRC conducted humanitarian operations in Aceh, Central Sulawesi, Maluku, North Maluku, and East and West Timor; however, the Government at times hindered the ICRC's access to these areas and was slow in accrediting additional staff members.

The government-appointed National Human Rights Commission (KOMNASHAM), in its 8th year of operation, continued to examine reported human rights violations and to demonstrate independence from the Government. The 1999 Human Rights Law gave KOMNASHAM statutory authority and increased its membership to 35 members. KOMNASHAM lacks enforcement powers, but attempts to work within the system, sending teams to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to recommend legal and regulatory changes, and to encourage corrective action. The Government appointed KOMNASHAM's original chairman, who then appointed the other 24 ini-

tial Commission members. Future members are required to serve 5-year terms and to be nominated by KOMNASHAM, confirmed by the Parliament, and approved by the President.

During the year, the number of commissioners dropped to 18 due to resignations and retirements, and KOMNASHAM began deliberating on nominees to fill the vacancies. The DPR had not selected the new commissioners by year's end. Disputes within KOMNASHAM prompted the Commission for Disappearances and Victims of Violence (KONTRAS), Legal Advocacy (ELSHAM), and Legal Aid Foundation (LBH) to criticize KOMNASHAM as an ineffective institution.

The law provides KOMNASHAM with subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in court. However, the law does not give KOMNASHAM the power to enforce its recommendations or to recommend government action.

In 1999 KOMNASHAM supported the work of the KPP-HAM and forwarded its findings to the Attorney General in late January 2000. In February 2000, KOMNASHAM formed a commission to investigate the 1984 killing of Muslim demonstrators at Tanjung Priok, Jakarta (see Sections 1.a. and 1.c.). In August 2000, KOMNASHAM opened an office in Ambon, Maluku province. Commission members conducted an investigation into human rights violations in Papua in October 2000, following an outbreak of violence in Wamena (see Sections 1.a. and 5).

In response to the U.N. Security Council's (UNSC's) adoption of Resolution 1319 after the September 6, 2000, killing of three UNHCR workers in West Timor (see Section 1.a.), the Government and various political leaders initially indicated that they would oppose the actions that the UNSC mission called for in the resolution. However, the Government later invited the UNSC mission to observe the situation in West Timor and to assess the Government's compliance with the resolution. The UNSC mission, consisting of permanent representatives from five member countries, visited West Timor and Jakarta in November 2000.

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

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status; however, it stipulates equal rights and obligations for all citizens, both native and naturalized. An amendment to the Constitution adopted during 2000 introduced the possibility of affirmative action to achieve fair and equal treatment; however, some activists believe that because the amendment does not mention men or women specifically, it would not adequately protect women.

The Guidelines of State Policy (legal statutes adopted by the MPR) explicitly state that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates the man as the head of the family. The Constitution grants citizens the right to practice their individual religions and beliefs; however, the Government only recognizes six religions and imposes some restrictions on other religious activity, although some of these restrictions were lifted during the year (see Section 2.c.).

Women.—Violence against women remains poorly documented. The Government does not collect data on domestic violence. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. According to a legal aid organization involved in domestic violence issues, approximately 11 percent of rural women suffer some form of domestic violence. Experts on the subject agree that the number of incidents has risen since the onset of the country's economic downturn starting in mid-1997, which has been aggravated by social changes associated with rapid urbanization. The domestic violence victim advocacy group, Kalyana Mitra, counseled 96 cases in West Java between January and October, 75 domestic violence cases, 17 rape cases, and 4 sexual harassment cases. The Government has acknowledged the problem of domestic violence in society; however, violence against women, especially when it occurs within the home, is perceived by the public to be a private matter and not within the purview of the Government.

The Government, in consultation with women's NGO's, operates a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against women and to provide assistance to victims. During the year, the Commission reported that violence against women resulting from the economic crisis continued to rise, and issued a national action plan report.

In November 1999, a group of government officials and NGO representatives signed a declaration calling for the development of a joint strategy to end violence

against women. The group drafted a 2001–04 national action plan, which incorporates a “zero tolerance” strategy on violence against women, creates safety mechanisms to protect women against violence, and establishes new legislation to penalize perpetrators of such violence. However, national legislation and implementing regulations to support the action plan have not yet been enacted. The Government provided technical support, but not funding, to establish and administer a women’s crisis center in a leading public hospital in Jakarta. Foreign governments have funded some of these crisis center projects.

The Government provides some counseling for abused women, and several private organizations assist women. Many of these organizations focus on reuniting the family rather than on providing protection to women. Many women rely on the extended family system for assistance in cases of domestic violence. Both public and private initiatives to assist female victims of violence were undertaken during the year. There are a small but growing number of women’s crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women’s Organization (KOWANI) and a crisis center for women in Yogyakarta that is administered by an NGO. Women’s Partner (Mitra Perempuan), a crisis center for women that opened in 1997, runs a 24-hour hotline and a temporary shelter for abused women. The hotline receives several calls each day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, and attributes the increase both to a growing awareness of services and to an increase in the incidence of violence against women. Some public hospitals in Jakarta, Yogyakarta, and Surabaya have integrated crisis centers that assist and protect abused women and children. These centers are cosponsored by the Government and the Women’s Crisis Center (Pusat Krisis Perempuan). One of these centers, located in a Jakarta hospital, reported 30 cases of rape, 31 cases of domestic violence, and 37 cases of child abuse during a 4-month period during 2000. Jakarta, Surabaya, and Yogyakarta police have opened “women’s desks” in their precincts to assist rape and domestic violence victims and to investigate their cases.

Rape is a punishable offense, and perpetrators have been arrested and sentenced for rape and attempted rape, but reliable statistics are unavailable. Women’s rights activists believe that rape is seriously underreported due to the social stigma attached to victims. Some legal experts report that unless a woman immediately seeks an examination at a hospital that produces physical evidence of rape, she would be unable to bring charges successfully. A witness also is required in order to prosecute for rape, and only in rare cases can a witness be produced, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. The maximum prison sentence for rape is 12 years, but observers claim that sentences usually are much shorter. Mob violence against accused rapists frequently is reported. An August 1999 conference of forensic experts recommended that standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successfulness of rape prosecutions. However, by year’s end, no rape investigation standards were in place, nor were uniform procedures followed.

Rape by a husband of a wife is not considered a crime under the law. Cultural norms dictate that problems between a husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, they are unlikely to do so.

Female genital mutilation (FGM), which is widely criticized by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. No national legislation exists on FGM. Customary (“adat”) law has allowed for symbolic female circumcision and small-cut (mild) incisions of the clitoris, which would fall under the World Health Organization’s (WHO’s) type IV classification of FGM (this category includes pricking, piercing or incising of the clitoris). According to reports, FGM practices appear to be increasingly symbolic in nature (for example, a pinprick or the cutting of a ceremonial root). More invasive FGM practices—removal of the clitoral prepuce, partial removal of the sensitive tip of the clitoris, and even total removal—reportedly occur in Madura, South Sulawesi, and parts of East Java. However, there are no epidemiological reports on the frequency of these practices. Since FGM is not regulated, and religious leaders have taken no formal position, the method used often is left to the discretion of the local traditional practitioner. FGM usually occurs within the first year after birth, often on the 40th day, although it is performed in some areas up to age 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner. Both government officials and NGO leaders familiar with FGM problems believe invasive FGM practices are declining. The Government included FGM as a gender issue in its National Action Plan to End Violence against

Women, published in late November. FGM heads the Action Plan's list of religious teachings requiring investigation and modification. The Government and NGO's are targeting awareness campaigns at Muslim religious leaders and those directly involved in performing female circumcisions (such as traditional birth attendants), and towards society at large, to bring about an end to these practices.

There were reports of the forced conversion of hundreds of Christians in Maluku in November and December 2000. Both male and female converts later were forced to undergo circumcision.

The country is a significant source, transit point, and destination for trafficking in women and children for the purpose of forced prostitution and in some cases for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNI-backed militias raped numerous women during the 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed they had been abducted and forced to serve as sex slaves for the TNI in West Timor.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases, unscrupulous recruitment agencies have promised women employment as domestic servants overseas and then held them against their will for extended periods until jobs are found for them. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done (see Section 6.f.).

Harassment is not a crime under the law, only "indecent behavior." However, sexual harassment charges may damage a civil service career. The law reportedly only covers physical abuse, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors. Many groups criticized the Manpower Law for failing to address sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment in which women regularly suffer abuse, such as overseas employment and household service. However, the Manpower Development and Protection Bill contains provisions requiring employers to ensure that female workers who work at night are safe and free from sexual abuse or harassment. A separate article in the bill also states that all workers have the right to receive protection against immorality and sexual harassment or abuse.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The illiteracy rate among women is 17 percent, compared to 10 percent among men; the national illiteracy rate average for citizens over 15 years old is 12 percent, according to a UNICEF report. The high maternal mortality rate is approximately 18,000 deaths per year. In Papua the maternal mortality rate is 1,025 deaths per 100,000 and in Maluku 796 deaths per 100,000 live births.

During the year, hundreds of thousands of women and children were displaced by violent conflicts in Central Sulawesi, Maluku and North Maluku provinces, West and Central Kalimantan, Papua, and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Under the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice, women face some legal discrimination. Marriage law defines the man as the head of the family. Marriage law for Muslims, based on Shari'a (Islamic law), allows men to have up to four wives if the husband is able to provide equally for each of them. Court permission and consent of the first wife is required, but reportedly most women cannot refuse. Cabinet officials and military personnel customarily have been forbidden from taking second wives, although reportedly a few ministers have had second wives. A government regulation stipulates that a male civil servant must receive the permission of his superior to take a second wife. The regulation has come under considerable attack and renewed scrutiny. Some women's groups urged the Government to ban polygyny altogether.

Women often bear a heavier evidentiary burden than men in obtaining a divorce, especially in the Islamic-based family court system. Divorced women rarely receive alimony. There is no enforcement mechanism for alimony payment, and according to Shari'a, a divorced wife is entitled to only 3 months of alimony, and even alimony for this brief period is not always granted.

The Citizenship Law states that children's citizenship is derived solely from the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and require visas to remain in the country until the age of 18, at which time they may apply for citizenship. They are prohibited from attending pub-

lic schools and must attend private, international schools, which usually are more expensive.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools unless they receive special permission from the Ministry of Education. Such women usually are taxed as foreign heads of households, but they do not have property, business, or inheritance rights. NGO's and the Government appear to agree that the law needed revision; however, by year's end, the Government had not taken any action to remedy these problems.

Although some women (such as President Megawati Soekarnoputri) have a high degree of economic and social freedom and occupy important positions in both the public and private sectors, most women do not have such status and they constitute a disproportionately high percentage of the lower end of the socioeconomic and political scale (see Section 3). The latest survey showed that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage (see Section 6.e.).

Unemployment rates for women are approximately 50 percent higher than those for men. Women often are not provided the extra benefits and salary that men are given when they are the heads of households, and in many cases do not receive employment benefits for their family members, such as medical insurance and income tax deductions. Nevertheless, female university graduates receive an average salary that is 25 percent less than their male counterparts. Some women's activists believe that a growing number of professional women are advancing in a variety of fields, especially in the legal profession. However, no statistics are available to support this assertion. According to a study conducted during the year, only 20 percent of top managers and affluent consumers in Jakarta are female.

The law requires the Government to formulate national policies to forbid and eliminate discrimination (including by gender) in the workplace. However, there were no implementing regulations in effect and discrimination continued in practice.

Despite laws that provide women with a 3-month maternity leave, the Government acknowledged that pregnant women often are dismissed or replaced while on leave from their jobs. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases. The Manpower Development and Protection Bill includes specific protections for female workers. For example, employers may not require pregnant women or unmarried women under 18 to work at night.

Women's advocacy groups remained active throughout the year. Numerous NGO-organized conferences and rallies dealing with women's issues were held, as well as some that were organized by academic institutions and government ministries.

Children.—The Government has stated its a commitment to children's rights, education, and welfare, but lacks the resources to implement such a commitment. The Ministry of Women's Empowerment is responsible for children's issues. In its budget for 2002, the Government allocated 1.0 percent of the GDP to education, or 0.74 percent of the country's GDP. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children; however, implementing regulations have never been promulgated and, despite DPR deliberations during the year, the law's provisions on protection of children had not gone into effect by year's end.

The Government estimates that the country has 40 million school-age children or about 19 percent of the country's population. During the year, the Ministry of Education began a national program to keep children in school through alternative programs as a means to combat child labor. According to International Labor Organization (ILO) and UNICEF statistics, about 6.1 to 6.4 million children between the ages of 7 and 15 have dropped out of school since the economic downturn that began in 1997. An academic source estimated in November 2000 that the number of students not enrolled in school for that age group was even higher, approximately 6.8 million. According to Ministry of Education data, 11.7 million children through the age of 18 were not attending school in 1999, while the ILO estimated that 11.9 million school-aged children did not attend school between 2000 and 2001.

A 1994 law increased mandatory education requirements from 6 to 9 years (6 years of elementary education and 3 years of junior high school education). However, the law has not been implemented fully, due to a lack of government enforce-

ment, inadequate school facilities, and inability of families to pay children's school fees. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families. Boys and girls have mostly equal access to basic education according to 1998 Indonesian government statistics.

The Government allocates only 8 percent of its human resources development budget to health care. Low-cost medical care is available, although access and availability sometimes are sporadic, especially in rural areas. The results of a Ministry of Health study conducted in 2000 on public health services concluded that over 40 percent of the country's public health centers had no attending physicians. According to a UNICEF report issued during 2000, the percentage of women and children without access to health care ranged from 20 to 50 percent, with the most limited access occurring in rural areas and poorer provinces. Moreover, government spending on health care also has dropped in real terms due to the economic downturn. In some cases, women and children unable to pay medical bills have been detained by hospitals that maintained their own "debtors' prisons." There also were reports of hospitals refusing treatment to children suffering from malnutrition, due to insufficient resources.

According to a credible report from a local NGO, infant mortality rates nearly have doubled as a result of the economic downturn, increasing from 55 per 1,000 deaths in 1995 to 100 per 1,000 in 1998. According to UNICEF'S report, 7 percent of the country's children die before they are 5 years old and 5 percent die before their first birthdays. Almost 50 percent of children grow up in unhealthy or unsafe environments. The overall use of health care facilities by children has dropped significantly since the economic downturn began in mid-1997.

Throughout the year, UNICEF continued to warn of a "lost generation" of youth as a result of the economic crisis. In 2000 UNICEF estimated that 8 million pre-school-age children were undernourished, which threatens the development of brain function. According to U.N. data, as many as 30 to 50 percent of the country's children under the age of 5 may be suffering from some form of malnutrition, an increase from 9.8 percent in 1995. One university source in 2000 estimated that 20 million children were malnourished, an increase from 8 million in 1997. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. According to the same UNICEF study many of the country's children suffer from "hidden hunger" or malnourishment.

In previous years, the media frequently reported on instances of children dying from malnutrition or lack of treatment for the condition. Such reports were most frequent in Java, but also originated from Sumatra and other regions.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of children in Maluku and North Maluku provinces and in Central Sulawesi fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. NGO's and religious groups in Maluku province estimate that thousands of Muslim and Christian children between the ages of 12 and 17 have become child soldiers (see Sections 6.d.). Younger children between the ages of 7 and 12 provide support services to the militias. Some of the children involved in fighting reportedly are from outside the province. In one incident in 2000, a 16-year-old from Java, who had joined the Laskar Jihad militia, was killed while fighting on Saparua Island, Maluku province.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million in mid-1999. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's estimate even before the downturn, and has increased significantly since 1997 (see Section 6.d.). The ILO estimated that between 6 and 8 million children worked during 2000, and World Vision, an international NGO, estimated that there were 6.5 million children working in the country. It is estimated that millions of girls work as live-in domestic servants (see Section 6.d.).

According to a study, there are about 170,000 street children in 12 urban areas. Of these, about 20 percent are girls. At least 60 percent of the street children polled were not enrolled in school. There were about 10,000 street children in Jakarta, Medan, Bandung, Surabaya, Makassar (Ujung Pandang), and Yogyakarta are other cities with substantial populations of street children. Of the 1,600 street children living in Yogyakarta, about 25 percent are girls. Many of them are victims of sexual abuse or are engaged in prostitution. Another NGO survey suggests that there are at least 100,000 street children and 6 million abandoned children in the country.

Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers, garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are hundreds, perhaps over 1,000 children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands of children work in factories and fields (see Sections 6.c., 6.d., and 6.f.).

A number of local and international NGO's work with street children. NGO's have criticized the Government's inadequate efforts to help street children and working children. The Government works in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project includes the establishment of "open houses" in targeted areas to provide vocational training and basic education to street children. Open houses for street children have been established in several provinces. The Indonesian Children's Welfare Foundation reports that 100 open houses have been established.

Another approach to the problem of street children is the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they first are interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child abuse is not prohibited specifically by law. According to Unicef's 2000 report, close family members frequently discipline children; however, there are no reliable sources for violence within families. Governmental efforts to combat child abuse have been slow and ineffective due to cultural sensitivities, lack of monitoring mechanisms and verification procedures regarding child abuse.

In September 2000, a network of illegal baby adoptions was uncovered by the authorities. Four persons were arrested and three babies were rescued and used as evidence. The babies allegedly were bought from low-income families and were sold to wealthy infertile couples.

Child prostitution (see Section 6.f.) and other sexual abuses occur, but firm data are lacking. Police continue to uncover syndicates involved in trafficking girls to work in brothels on various islands or in other countries (see Section 6.f.). According to a 1998 NGO study, there were 406 cases of child abuse that year, 900 to 1,200 cases of child rape, and 40,000 to 70,000 cases of other sexual abuse against children.

There is no separate criminal justice system for juveniles. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by then-President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code to handle juvenile cases; however, it has not been implemented. An estimated 400,000 children are brought to court annually, according to UNICEF statistics. Sixty percent of the children are involved in petty crimes such as theft. Areas with the highest reported incidences of juvenile crime are Java, including Jakarta (7,281), South Sumatra (1,336 cases), and North Sumatra (994).

Persons with Disabilities.—There is some discrimination against persons with disabilities in employment, education, and in the provision of other state services. The law mandates access to buildings for persons with disabilities; however, the Government generally does not enforce these provisions in practice. Precise statistics on the number of persons with disabilities in the country are not available. In 1999 the U.N. estimated that about 5.43 percent of the population (about 10 million persons) were persons with disabilities, while the Government estimated that 3 percent of the population (6 million persons) were persons with disabilities. Families often hide family members with disabilities to avoid social stigma or embarrassment. Several provinces have established rehabilitation centers for persons with disabilities. Authorities reportedly take persons with disabilities off the streets and bring them to these centers for job training. Nevertheless, many citizens with disabilities citizens beg for a living.

The Constitution requires that the Government provide care for orphans and persons with disabilities; however, it does not specify the definition of the term "care", and the provision of education to all children with mental and physical disabilities never has been inferred from the requirement. Regulations require the Government to establish and regulate a national curriculum for special education by stipulating that the community should provide special education services to its children.

According to a 2000 UNICEF report in 2000, there are approximately 2 million children with disabilities between the ages of 10 and 14. Law No. 4/1997 on Disability and Government Regulation No. 72 on Special Education stipulate that every

child with disabilities has the right to access to all levels and types of education and rehabilitative treatment as necessary. However, this does not occur in practice. NGO's are the primary providers of education for children with disabilities. There are 1,084 schools for persons with disabilities; 680 are private and 404 are government-operated. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for persons with disabilities, 2 of which are government-operated and 96 of which are private. The Government also runs three national schools for the visually and hearing impaired, and persons with mental disabilities. These schools accept children from throughout the country.

The Disability Law was designed to provide access to education, employment, and assistance for persons with disabilities. It requires companies employing over 100 persons to give 1 percent of their positions to persons with disabilities. However, persons with disabilities face considerable discrimination in employment, although some factories have made special efforts to hire workers with disabilities. The law mandates accessibility to public facilities for persons with disabilities; however, virtually no buildings or public transportation provide such accessibility.

Indigenous People.—The Government considers the term "indigenous people" to be a misnomer, because it considers all citizens except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and their right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan, some of whom live in remote forest areas, indigenous communities located throughout Papua, and economically disadvantaged families living as sea nomads on boats near Riau in eastern Sumatra and near Makassar (Ujung Pandang) in southern Sulawesi. In October the Government passed the Papua Special Autonomy Law, which had not come into effect by year's end. The law provides indigenous tribes the right to protect and maintain their customs and laws, and significant participation by tribes in the government and economy of Papua. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.) and for encouraging exploitation of natural resources upon which indigenous people depend for their livelihood.

Sixty percent of the country's population of over 200 million lives in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java (see Section 1.f). The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and causes social resentment. Some critics claim that transmigration has been used as a political tool to increase the number of nonindigenous persons in certain areas in part to preclude secessionist movements by indigenous people. In some areas, such as in certain parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often claim that they receive less government support and funding than transmigrants, and transmigrants claim that in some cases they are moved to areas with undesirable land and inadequate infrastructure. Transmigrants sometimes are settled on land whose ownership is disputed.

Acute tensions continued in West and Central Kalimantan between the indigenous Dayak and Madurese migrants over land disputes, economic competition, and cultural differences (see Section 1.a.). The Madurese community in Kalimantan developed around an earlier group of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. An estimated 40,000 Madurese remain in camps in West Kalimantan and over 105,000 Madurese were forced to evacuate to East Java and Madura Island after over 600 died in ethnic violence in February and March.

Land disputes are a major source of tension throughout the country, particularly in many sparsely populated resource-rich areas traditionally inhabited by indigenous people. The tension often is expressed along racial and ethnic lines because developers frequently are ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other assistance organizations. According to a law derived from colonial era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When

disputes cannot be settled, the Government has the authority to define fair compensation for land.

However, in practice compensation for the land often is minimal or even non-existent. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. When indigenous people clash with those promoting private sector development projects, the developers almost always prevail. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who bribed the local governor. In some cases, NGO's report that farmers were evicted from the land without compensation to allow for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra. Some NGO's that seek to aid these communities are subjected to verbal attacks, raids, and other forms of intimidation by government security forces. Since 1999 NGO's have been more vocal and effective in lobbying for indigenous people's rights.

NGO's assert that violations of the rights of indigenous people are frequent in the mining and logging areas, and that violations stem from the Government's denial of ownership by indigenous people of ancestral land, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Papua, where disputes over compensation for logging resources led to several violent incidents between locals and logging companies (see Section 1.a.).

In Southeast Sulawesi, the Moronene people have been struggling for more than 40 years to secure government recognition of their claim to ancestral lands in what is now Rawa Aopa Watumohai National Park. The Government insists, on the basis of the 1999 Forestry Law, that the Moronene people must resettle on land outside the park. In September 2000, they reached agreement with the local government that they would be allowed to remain on their lands until a court decided the merits of their claim. However, from November 23 to 25, 2000, approximately 70 security personnel sought to evict the Moronene from the park. The security team, which consisted of local police, Brimob members, and forest police and officials, reportedly destroyed 23 homes in the 3 villages of Hukaea-Laeya, Lampopola, and Lanowulu. At year's end, the Moronene still were living in Hukaea-Laeya village, but they feared further destruction of their settlements since the Government has not changed its position that they must leave.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO in 2000, on at least one project, a logging company established a company store in a remote area, in which workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Tensions with indigenous people in Papua continued. Papuans complain of racism, religious bias, paternalism, and condescension as constant impediments to better relations with non-Papuans, including members of the Government, the military, and the non-Papuan business community. A large percentage of the population of Papua consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Papua and other isolated areas continue to come primarily from other parts of the country, rather than from the local indigenous population. Tensions between Papuans and migrants continued during the year, particularly after Papuans killed 24 migrants in Wamena on October 6 and 7, 2000, after security forces opened fire on Papuans who resisted efforts to take down Papuan independence flags (see Sections 1.a. and 2.a.). The attack caused an exodus of several thousand migrants from the Wamena area and from Papua (see Section 2.d.). In 2000 Papuans and migrants clashed again in Merauke in early November and December 2000 and at the Abepura market area in Jayapura from November 11 to 13, 2000 resulting in injuries on both sides and the burning or looting of migrant shops. Unknown attackers killed two police and a security guard in Abepura, Papua, on December 7, 2000 and two timber workers near the Papua-Papua New Guinea border on December 9, 2000. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 1.a.).

Since 1999 Papuans have asserted themselves politically to a greater extent than in the past. Beginning in late 1999, Papuan political figures and traditional tribal organizations began forming Papuan "task forces" (Satgas Papua). In February

2000, Papuan community and tribal leaders organized a “great consultation” of Papuan leaders to set an agenda for self-government and designate a Papuan Presidium Council to speak on behalf of Papuans. The consultation’s closing statement called for the holding of a congress comprised of the entire Papuan community. The congress was held from May 29 through June 4 2000 in Jayapura, and involved more than 2,000 delegates from each of Papua’s districts, other parts of the country, and the Papuan community overseas. Delegates approved a resolution rejecting the 1969 “Act of Free Choice,” which confirmed Papua’s incorporation into Indonesia; called on the central Government, along with the U.N. and the U.S. and Dutch governments, to review the process by which the territory became a part of Indonesia and to recognize Papua’s sovereignty since 1961; and mandated the Papuan Presidium Council to strive for international recognition and to report back to the congress on December 1 2000, regarding progress toward these goals. On December 1, 2000, Presidium leaders led a peaceful commemoration of the 1961 declaration of independence by Papuan community leaders, then under Dutch rule. Presidium vice chairman Tom Beanal recounted the Presidium’s efforts since the Papuan Congress to start a dialog with Jakarta, and appealed for calm. The day was observed peacefully in most parts of Papua. In 2000 Presidium Council leaders traveled throughout the province to publicize the results of the congress, regularly met with government officials in Jakarta, and journeyed to other countries to advance the Papuan cause.

The Government initially responded to Papuan initiatives by welcoming the call for dialog and offering special autonomy within the context of a united Indonesia. Then-President Wahid met several times with Papuan leaders and visited Papua on December 31, 1999 and January 1, 2000, when he announced that the name of the province would be changed to Papua. Then-Vice President Megawati Soekarnoputri visited the province in May and September 2000, and then-President Wahid provided \$110,000 (Rp. 1 billion) for the holding of the Papuan congress. After the congress, he met with Presidium Council leaders and reemphasized the Government’s firm stance against Papuan independence, but said it was permissible to fly Papuan independence flags as long as they were smaller and flown below the Indonesian flag. However, during the August 2000 MPR session, legislators attacked Wahid’s stance toward Papuans and demanded a tougher approach that rejected the flying of the independence flag, the use of the name Papua, and other perceived manifestations of proindependence sentiment. In late September 2000, new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down. Police attempts to remove forcibly flags in Wamena on October 6, 2000, Merauke on November 4, 2000 and December 2, 2000, and Fak Fank on December 1, 2000 sparked violent clashes with Satgas Papua members, resulting in many deaths and heightened tensions between Papuans and non-Papuan migrants (see Sections 1.a. and 1.c.). After Papuans attacked a police station in Jayapura on December 7, 2000, police shot and killed a student at a nearby dormitory and detained and beat more than 100 others, 2 of whom died as a result of the beatings. Police revived criminal charges against five leading members of the Papuan Presidium Council for crimes against the security of the State and public order in November 2000 (see Sections 1.e. and 2.a.). Police encouragement of the formation of migrant “solidarity” organizations, and the arming of some of those organizations by security forces, also sharpened divisions between the two communities. Moreover, the creation of an armed “Red and White Task Force” (Satgas Merah Putih) in Papua, reportedly at the instigation of the army, has raised concerns that certain elements of the national security forces may be seeking to create an armed Papuan paramilitary force, modeled on East Timorese militias, to oppose Papuan independence efforts, and to oppose specifically, the Satgas Papua groups, the vast majority of which were considered proindependence, and which were disbanded in late 2000.

The Papua Special Autonomy Law was signed into law in November, but by year’s end had not come into effect. A March conference debated whether to pursue independence or special autonomy, resulting in numerous meetings with local communities to explain autonomy and solicit input. A special team was established in Jakarta to lobby Parliament and the administration and explain the intent and background of the Papuan Special Autonomy Law. This effort was effective in convincing the Parliamentary Special Committee to use the Papuan draft as the basis for the final law. Most of the provisions in the Papuan version survived largely intact in the final text, including permission to rename the province Papua and permission for a Papuan flag and anthem. The laws provisions include: acknowledgement of the Government’s shortcomings in governing Papua; acknowledgement of the special cultural identity of Papuans and recognition of indigenous rights; establishment of a Human Rights Commission to clarify the history of Papua; redirection a large percentage of local revenues from the central government to the province; and a stipu-

lation that the provincial government has authority in all fields, except foreign policy, defense, monetary and fiscal policy, religion, and justice.

Security forces did not obstruct political activities related to the Papuan Special Autonomy Law; however, they did sporadically enforce a no-tolerance policy on flying the Papuan flag, until the Special Autonomy Bill passed Parliament, after which time security forces allowed the flying of the flag. Security forces targeted separatist groups in attacks in Ilaga and Kali Kopi (see Section 1.a.).

Religious Minorities.—Despite constitutional and legal provisions regarding freedom of religion, there are some restrictions on certain types of religious activity and on unrecognized religions. Closures and attacks on churches, temples, and other religious facilities, ranging from minor vandalism to arson, continued during the year, according to the Indonesian Christian Communications Forum (ICCF). The ICCF recorded 235 religiously motivated attacks on Christian churches or other Christian facilities from October 1999 through September 2001. The Ministry of Religion estimates that 181 mosques were damaged or destroyed during the year. The largest number of attacks on persons and places of worship occurred in 2000 in Maluku and Central Sulawesi provinces in the eastern part of the country, causing more than 3,000 deaths, the displacement of nearly 500,000 persons, and damage to at least 81 churches and dozens of mosques (see Sections 1.a., 2.c., and 2.d.).

Attacks on places of worship reflect religious tensions, but other contributing factors include underlying socioeconomic and political tensions between poor Muslims and more affluent Sino-Indonesian Christians. Similarly, in the Moluccas and Central Sulawesi, economic tensions between native Christians and Muslims who migrated to these areas in recent decades were a significant factor in incidents of interreligious violence. Christian and Muslim communities in these provinces blamed each other for initiating and perpetuating the violence.

The Government failed to suppress or respond to most cases of violence, and did not resolve fully the many cases of attacks on religious facilities and churches that occurred during riots; in other cases, the Government did not investigate such incidents at all (see Sections 1.a. and 2.c.).

Anti-Christian sermons and publications also increased, leading to concerns that societal support for religious tolerance was eroding. Muslim University students in Makassar, South Sulawesi severely beat four non-Muslims in October, after hearing that residents of a prodemondity Christian town, Tondano, had burned an effigy of Usama bin Ladin. The following day, Muslim students in Makassar severely beat two other non-Muslims. In 2000 a movement known as the Islamic State of Indonesia (NII) emerged on university campuses in Java. There were sporadic reports from some neighborhoods of Jakarta that student followers of the NII movement set up roadblocks, checked identification cards, and harassed passing non-Muslims, in some cases forcing them to recite passages from the Koran. Similar incidents occurred in Makassar, South Sulawesi. Many of the country's religious minorities expressed growing concern over what they perceived to be increasing demands by certain Muslim groups to impose Shari'a law in the country. A proposal to implement Islamic law in 2000 failed (see Section 2.c.); however, Islamic law sometimes is implemented in communities, especially in Aceh. The regional autonomy plan in Aceh recognizes Islamic law as the local law there.

The Laskar Jihad ("holy war troops," a Muslim group that was formed in 2000) engaged in paramilitary training, and leaders of the group announced that they intended to wage war on Christians in the Moluccas and other parts of the country. An upswelling of killings occurred in Central Sulawesi in November and December, apparently spurred by Laskar Jihad militants. Tens of thousands of Christians fled their homes, as villages were attacked and in some cases burned to the ground. However, the Government moved in troops, who were able to quell the violence. By year's end, a peace agreement had been negotiated under government auspices; however, Laskar Jihad had not been removed from the area (see Section 1.a.).

Between June 2000 and July, thousands of persons were killed in violence between Muslims and Christians (see Section 2.c.). Local sources estimate that over 3,000 Laskar Jihad militia participated in attacks on Christians in Maluku Province and Central Sulawesi during the year. Police arrested Laskar Jihad leader Jafar Umar Thalib on May 4 on charges of inciting religious violence and ordering the killing by stoning of a follower, Abdullah. Police released Thalib on June 12, but placed him under house arrest pending further investigation.

In late December 2000, then-President Wahid conceded that hundreds of Christians on Keswui and Teor Islands in Maluku had converted to Islam in November and December 2000 to save their lives. By year's end, only an estimated 165 converts had been able to leave the 2 islands. There also were credible reports of forced conversions occurring in other parts of Maluku and North Maluku. Estimates range from over 3,500 to 8,000 cases. While most documented cases involve Christians

who converted to Islam, there have been reports of Muslims who were forced to convert to Christianity in Halmahera, North Maluku.

Christian IDP's from Keswui and Teor who had undergone conversion said in media interviews that Muslim militants told Christians to convert to Islam or face probable death at the hands of Muslim militias. According to these sources, Christians were herded into mosques and converted to Islam en masse. Both male and female converts later were forced to undergo circumcision to prove that they were genuine Muslims, despite the fact that Muslim women in Maluku were not customarily circumcised.

A number of bombings and bombing attempts primarily targeted against Christian facilities occurred throughout the year, including at the Santa Anna Catholic Church in Jakarta on July 22. The bombing injured at least 70 persons, including a 7-month old infant and a 4-year old girl. Police accused 13 persons whom police arrested in September in connection with a mall bombing. On December 31, simultaneous bomb explosions damaged three churches near Palu; however, no persons were injured. A number of other bombings also occurred during the year (see Sections 1.a. and 1.c.).

Muslims are a religious minority in the easternmost province of Papua. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Papua. However, there were no reports of attacks on mosques in Papua during the year.

In May a crowd of Muslims reportedly expelled two Baha'i families living in predominantly Muslim villages in Central Sulawesi (see Section 2.c.).

During the year there were occasional reports of killings of persons who practice traditional magic ("dukun santets") (see Section 1.a.) in East, Central, and West Java. The number of such killings is believed to have declined since 1998, when nearly 200 such persons were killed in East Java, and since 1999, when more than 30 persons, believed to be dukun santet were killed in West Java.

National/Racial/Ethnic Minorities.—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, who represent approximately 3 percent of the population—by far the largest nonindigenous minority group—historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. Despite the Wahid Government's commitment to reopen the investigation into these attacks, the Megawati government has failed to pursue the 1999 recommendations of the joint fact-finding team (TGPF) that was commissioned to investigate the 1998 attacks (see Sections 1.a., 1.c., and 4).

Racially motivated attacks against Sino-Indonesians have dropped sharply since mid-1998, although Sino-Indonesians continued to report instances of discrimination and harassment.

An undetermined number of Sino-Indonesians remain abroad or away from their normal places of residence in the country. While many reside in Singapore, there also are sizeable Sino-Indonesian populations in Australia and the U.S. Prominent Sino-Indonesians estimate that approximately half of the Sino-Indonesian men living abroad occasionally return to their homes for short visits to protect their remaining business interests, but most keep their families and the bulk of their capital offshore or in other parts of the country.

With the revocation of Presidential Decree 14/1967 in January 2000, Confucianism may be practiced in public and the law no longer forbids the celebration of the Chinese New Year in temples or public places (see Section 2.c.). Chinese New Year decorations are displayed prominently and sold in public shopping areas in several major cities. The Chinese language may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned; however, customs regulations still prohibit the import of Chinese language publications and music (see Section 2.a.). State universities still have informal quotas that limit the enrollment of ethnic Chinese students.

Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues.

Noncitizen ethnic Chinese may not operate businesses in rural areas; however, the Government does not restrict this right for Sino-Indonesians.

Indigenous residents of Papua and various human rights groups charge that Papuans are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Papua, and there has been

some increase in the number of civil servant trainees in this province, despite a “no growth” policy in the civil service as a whole.

In Kalimantan indigenous Dayaks claim that they are not considered in civil service jobs, and that they are marginalized in many other economic sectors by transmigrants. This led to recurrences of interethnic conflict in Central and West Kalimantan in which hundreds of indigenous Dayaks were killed (see Section 1.a.). In addition, Africans form a disproportionately large percentage of those killed while being arrested, suggesting that such killings are racially motivated.

Section 6. Worker Rights

a. The Right of Association.—The law provides that 10 or more workers have the right to form a union. Union membership must be open to all regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In addition the law provides that union dues must finance union activities, but does not indicate how dues should be collected or whether management has a role in collecting dues.

Employers criticize the act’s provision permitting any 10 workers to form a union. Employers claim that this provision encourages the creation of too many unions, which they say complicates collective bargaining and increases the possibility of strikes.

Under the law and registration regulations, more than 20 new or previously unrecognized union federations have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the merger (under the Government’s direction) of labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. The Department of Manpower, whose minister is the leader of the SPSI, does not intervene in organizational disputes within trade unions nor provides guidance to any unions.

The law allows the Government to petition the courts to dissolve a union if its basis conflicts with Pancasila or the 1945 constitution, or if a union’s leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years after the original union’s dissolution.

The law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally has led to clashes between unions in a workplace.

Since 1999 civil servants have not been required to belong to KORPRI, a non-union association. Employees of several government departments announced that they would form their own employee associations, and union organizations began to seek members among civil servants. Unions also are seeking to organize state-owned enterprise (SOE) employees, defined to include those working in enterprises in which the State has at least 5-percent ownership, although they have encountered some resistance from enterprise management, and the legal basis for registering unions in SOE’s remains unclear. Teachers must belong to the Teachers’ Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Some groups of teachers have formed unofficial unions outside the PGRI. Other teachers have gone on strike for better wages and allowances, a rare and technically illegal action for teachers. For instance, in September public school teachers in Atambua, Lampung, Bandung, Banjarmasin, Gorontalo, went on strike over back pay owed to them. The central Government claimed that it had allocated funds for back pay to regional administrations as part of the new autonomy law, but several local administrations claimed that they never received the funds. Mandatory PGRI contributions are deducted automatically from teachers’ salaries.

A regulation requires that police be notified of all meetings of five or more persons of all organizations outside offices or normal work sites. The regulation applies to union meetings. The police periodically show up uninvited at labor seminars and union meetings, which can have an intimidating effect.

All organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector

strikes are frequent. Before a strike legally may occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike; however, no approval is required. In practice dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given, because Department of Manpower procedures are slow and have little credibility among workers. Therefore, sudden strikes usually result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries and occasionally were protracted. A series of strikes affecting a number of cities, including Bandung, Gresik, and Surabaya, occurred in June over the repeal of Manpower Ministry Decree 150 on severance pay. A number of factories in Bandung were damaged by strikers. In July and October, 9,000 workers at state aircraft manufacturer P.T. Dirgantara Indonesia went on strike to protest the firing of the chairman and secretary of their union and demanded threefold salary increases. The managing director said that the two officials were fired for organizing a series of demonstrations and strikes. Union leaders met with the Manpower Minister in October and December and the parties agreed to a gradual increase in basic pay as a proportion of the take home pay. Labor activist Ngadinah, an employee of a company that produces shoes, was acquitted on August 30 charges that she committed violence against the authorities, and of offensive, violent, or unpleasant conduct. According to the complaint filed by her employer, P.T. Panarub, she helped 8,000 workers stage a massive strike for better wages from September 8 to 11, 2000. Prior to the trial, she was detained for 2 weeks and harassed by the State Minister (see Section 1.d.).

Most strikes were conducted and resolved peacefully; however, some strikes became violent and persons were killed. On March 29, 2 strikers were killed and 10 others injured when mobs attacked a car upholstery company. Military officers inside the compound and police near the upholstery factory did not intervene.

Some unions claimed that strike leaders were singled out for layoffs when companies downsized. In several cases workers damaged property and intimidated non-striking workers, and there were disputes among different unions represented in the same company. In most cases, workers were not arrested for these actions. Groups claiming to represent labor also at times resorted to violence. For example, in September thousands of teachers in Bandar Lampung, who tried to enter the office of the mayor, clashed with security forces.

The SPSI maintains international contacts but its only international trade union affiliation is a federation with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI's federated unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions—the SPSI and its components—could engage legally in collective bargaining. By issuing new regulations on union registration and enacting the trade union law, the Government allows for new workers' organizations that register with the Government to conclude legally binding agreements with employers. The act stipulates that if there is more than one union in a company negotiating a collective work agreement, the agreement that gains the support of more than half of the total number of workers in the company would apply to all the workers in the company. If the agreement does not have the support of more than half of the total workers, it would only apply to those who support it.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, such as, during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and states that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; however, there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards established

by the Government, and the agreements often merely are presented to worker representatives for signature rather than negotiation. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retaliation against union organizers, including firing workers, that is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. According to a November ILO interim report, management at the Shangri-La Hotel violated the principles of freedom of association when it dismissed 580 members of the Independent Worker's Union (SPMS) for striking in December 2000 (see Section 6.a.). The ILO report criticized the Government's overnight detention of 20 SPMS members in December 2000 for occupying the hotel lobby during the strike, and characterized the detention as "an obstacle to the exercise of trade union rights." In 2000 the SPSI documented 135 cases in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories—a problem other labor organizations and activists have encountered in trying to form unions. In November 2000, police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the SBSI, for investigation of charges that he incited workers to violence. He was sentenced to 7 months' imprisonment and released during the year.

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions may be appealed to the State Administrative Court. However, due to adverse decisions many union members believe that the dispute resolution committees generally favor employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers usually are monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law often is ignored in practice. A Manpower Bill under consideration during the year does not specify that management and the union or concerned worker must reach a consensus before a worker may be dismissed, and does not address government involvement, except to note that efforts to prevent termination would be determined by Ministerial Decree.

Since 1996 unions affiliated with the SPSI have been able to collect union dues directly through payroll deductions (the "checkoff" system) rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more authority to factory-level union units in which the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters, as provided in the SPSI's bylaws. Unions other than the SPSI have alleged difficulties in getting companies to set up a checkoff system for their members. Unions report that on many occasions companies automatically deduct union dues for the SPSI from workers affiliated with other unions.

The police and the army continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On at least two occasions, security forces fired on striking workers in 2000 (see Section 6.a.). However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress, or by youth gangs. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protests or worker actions, and in some cases attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have alleged "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses. On June 8, individuals allegedly belonging to an Islamic organization ransacked the Asia Pacific Labor Solidarity Conference on Neoliberalism at Sawangan, Depok, West Java and reportedly injured some of the Indonesian participants. Police did not intervene to assist the participants, but instead broke up the conference and detained 2 local labor activists and 32 foreigners for questioning regarding possible immigration violations. Police claim that the foreigners had entered on visitor visas; however, this was inconsistent with the activities the police were conducting at the time. All those detained were released June 9, after immigration authorities examined their case.

On June 13, a mob of about 150 persons connected to the Golkar Party disrupted a ACILS workshop on grievance-handling in Samarinda, East Kalimantan. ACILS' Indonesian program officer was punched and kicked while trying to leave the hotel

where the seminar was held. According to reliable sources, the mob arrived in military trucks, along with four police officer escorts. The police managed to stop the mob before they reached the conference room. However, police declined to take action against the perpetrators.

There are seven exporting processing zones (EPZ's) in the country. Batam Island, near Singapore, is the largest. Labor law applies in EPZ's and in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker than in other areas.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor and the Government generally enforces this prohibition. The law also prohibits forced and bonded labor by children; however, the Government does not enforce this provision effectively, and forced and bonded labor by children is a problem. There also were instances of debt bondage of adults. According to the National Child Protection Commission, there are 1.6 million children between the ages of 10 and 14 forced to work, allegedly for economic reasons. NGO's have estimated that as many as 3,000 once children worked on fishing platforms, known as "jermals," under inhumane and dangerous conditions; however, the number of children working on jermals has gone down. Most children work on jermals recruited from farming communities in inland regions and once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found. They live in isolation on the sea on platforms the size of basketball courts, work 12 to 20 hours per day in dangerous conditions, and sleep in the workspace with no access to sanitary facilities or schooling. There are reports of physical, verbal, and sexual abuse of such children. The law prohibits the hiring of persons under the age of 14 on fishing platforms. Jermals operate under the paid protection of national naval vessels; the navy reportedly has a financial interest in some jermals.

According to the ILO, the number of jermals off North Sumatra has fallen to fewer than 200 due to the combined impact of destruction due to poor construction and the impact of NGO child protection projects. About one third of these jermals have child laborers. In 1999 the Government stopped issuing permits to build new jermals, and announced plans to remove children physically from the jermals and provide them with educational and economic alternatives. Unfortunately, many of the children who used to work on jermals have found jobs in dangerous condition in agriculture, according to the ILO.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5).

The country is a source, transit point, and destination for trafficking in women and children, in some cases for forced labor (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law prohibits children under the age of 15 from working more than 4 hours per day, but an estimated 6 to 8 million children meet or exceed this daily limit. The law prohibits children from working in hazardous sectors, including maritime, plantation, construction, slaughterhouse, textile, leatherworking, entertainment, and manufacturing activities involving the use of hazardous materials and pollutants. Government enforcement of child labor laws is weak or nonexistent. There were no significant government efforts to strengthen enforcement during the year.

Despite legislative and regulatory measures, most children continued to work in unregulated environments, including domestic work. Although the ILO has sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC), enforcement is weak or nonexistent. During the year, labor inspectors who had received the training had not removed any children from the workplace. According to Manpower Ministry officials, only 30 inspectors received child labor training during the year and with regional autonomy implemented in 2000, labor inspections fell under the jurisdiction of local governments, which did not train any child labor experts during the year.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced to Work." The regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It requires parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million by mid-1999. The State Bureau of Statistics (BPS) stated that 1.9 million children through age 14 were working in 1998. The ILO and the

NGO World Vision argued that official estimates were too low, citing the fact that between 11 and 12 million school-age children (up to age 18) were not attending school, and a large number likely were involved in some form of work. The ILO estimated that between 6 and 8 million children worked, and over 3.4 million children work 10 hours or more per week. World Vision estimated that there were 6.5 million children working. Of these 6.5 million children, 4.1 million worked in the informal sector, and 2.4 million worked in the formal sectors. Other NGO's estimate that more than 10 percent of children worked more than 4 hours per day, and that over 35 percent of these children worked over 35 hours per week. Other NGO's estimate that 8.5 million school-age children are not enrolled in school and most are employed in the underground economy with no legal protection and poor compensation.

It is estimated that more children work in the informal sector than the formal sector, selling newspapers, shining shoes, helping to park or watch cars, and otherwise earning money. In cases in which children work in the formal sector, such work tends to fall between the informal and formal economies, including working alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories; however, the number is unknown, largely because documents verifying age are falsified easily. Some employers hire children because they are easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and small mining operations, and other industries.

Other children, mostly girls, serve as live-in domestic servants. Many begin working when they are between 14 and 16 years old. Although accurate figures are unavailable, it is estimated that the number of child domestic workers is in the millions. Observers agree that this number began increasing in 1998 as a result of the economic downturn. One study conducted by Atma Jaya University in Jakarta estimated that there were at least 400,000 children under age 15 working as domestic servants in Jakarta alone. Most of them are not allowed to study or take academic courses. There are no regulations protecting domestic workers. These children work long hours, receive low pay, are on call 24 hours per day, generally are unaware of their rights, and often are far from their families.

Children are involved in a variety of hazardous work activities. In addition to those working on fishing platforms (see Section 6.c.), children perform piece work in small shoe factories (bengkels) where they are exposed to hazardous bleaches and glues. Thousands of other children work on rubber, sugarcane, tobacco, cocoa, and coffee plantations, often helping their parents meet stiff production quotas. Many companies employing adults condone the practice of children assisting their parents in the fields. Other children are employed in construction work, quarrying, gold and other types of mining, pearl diving, and forestry activities, many of which pose serious hazards. In 2000 the ILO called on the Government to stop the employment of up to 3,000 children in Central Kalimantan in gold mining. The media reported the use of mercury in Central Kalimantan gold mining, underscoring the danger posed to these children.

Some children work as scavengers in dumpsites. In the Bantar Gebang dumpsite in Bekasi (south of Jakarta), an NGO working with children there estimates that as many as 550 children ages 7 to 15 work at the dump to help their parents. Approximately 74 percent of the children are under age 12. Children work long hours in extremely unsanitary conditions. Almost all of the children have health problems. In one survey, 84 percent of the children suffered from minor infections. NGO's have ongoing programs to teach children to avoid hazardous waste such as syringes and other potentially toxic waste.

It is believed that thousands of Muslim and Christian adolescent children in Maluku province have become soldiers and that younger children provide support services to the militas (see Section 5).

The country is a source, destination, and transit point for trafficking in children (see Section 6.f.).

The President issued a decree providing for the formation of a National Action Committee to Eliminate the Worst Forms of Child Labor. The Committee met once in September. The Government prohibits forced and bonded labor by children, but does not enforce this provision effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province—a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. However, the minimum wage set by these

councils, does not provide a decent standard of living for a worker and family. After the minimum wage increases in April 2000, the monthly minimum wage in Jakarta was approximately \$39 (Rp. 407,394), which is equal to 81 percent of the government-determined minimum living need for a single person, and down from 95 percent in 1997. On November 2, the Governor of Jakarta enforced a 38 percent increase in the monthly minimum wage to \$55, effective January 2002. The average national minimum wage is approximately \$24 per month (Rp. 230,000), although wages in the most heavily populated urban areas (Jakarta area, West Java, East Java, and North Sumatra), are significantly higher.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation.

The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for every 4 hours of work. Nevertheless, enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light.

The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the consent of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies between sectors and regions. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. Companies with more than 100 employees may obtain public recognition of their compliance with safety and health standards through a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons is a serious problem. The country is a source, transit point, and destination for trafficking in persons for the purpose of prostitution and in some for forced labor. There are no government statistics on the number of persons trafficked; however, the Indonesian Women's Coalition for Justice and Democracy, a leading NGO advocating for antitrafficking legislation, believes that as many as 400,000 Indonesian women and children are trafficked each year. The ILO estimates that 21,000 children are working as prostitutes in the country.

Prostitution is not prohibited specifically by law and prostitution is widespread. Official statistics reported 75,106 registered prostitutes in 1999, up from 72,000 in 1995. However, NGO's estimate that there are as many as 1.3 million prostitutes in the country, 30 percent of whom may be under 16 years of age. NGO findings indicate a growing trend in child prostitution and sexual exploitation. A university professor estimates that about 150,000 children enter prostitution each year. The prevalence of child prostitutes appears to vary by region. According to an NGO study, approximately 15 percent of the prostitutes in parts of Central Java were between 16 and 20 years of age. In a seminar held in Batam in August, researchers reported that 50 percent of more than 1,800 sex workers whom they interviewed in 1998 were younger than 18 years of age. Other estimates suggest that as many as 6,000 sex workers in Batam are under age 18. An October NGO report found that trafficking in teenage girls from North Sumatra to Singapore and Malaysia was increasing. A growing number of children enter prostitution to help their families or to support drug habits. In September the ILO, in collaboration with the University of Indonesia's department of social welfare, published a preliminary study of trafficking trends in Jakarta, Batam (Sumatra), Medan (Sumatra), and Bali, that found that many girls entered prostitution after failed marriages they had entered when they were as young as 10 to 14 years old.

Some teenage prostitutes come from middle class families. Child prostitutes can earn \$500 to \$1,000 (about Rp. 4.7 to 9.4 million) per month, 10 to 20 times what an unskilled factory worker earns. The demand for young girls is increasing, as many clients seek young girls who are perceived to be less likely to carry HIV/AIDS.

While not documented thoroughly, the sex trade is believed widely to have increased sharply as women hurt by the economic downturn sought means of support for their families. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported.

Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November 2000, that 33 pregnant East Timorese women, who had returned to East Timor, claimed that they were abducted and forced to serve as sex slaves for the TNI in West Timor.

There are credible reports of trafficking in girls and women and of temporary "contract marriages" with foreigners in certain areas, such as West Kalimantan and Sumatra, although the extent of this practice is unclear. Many such marriages are not considered legal, and the children born from them are considered born out of wedlock. According to one report, poor Sino-Indonesian parents from Sinkawang, West Kalimantan, who were desperate for money and believed that their daughters would have a better future, have sold thousands of their daughters into contract marriages to Taiwanese men. Some of the girls were as young as 14 years old. If such marriages fail, the women have no legal recourse. According to one source, there were as many as 10,000 Sino-Indonesian women from Sinkawang living in Taiwan whose legal status was uncertain.

Police continue to uncover syndicates involved in trafficking young women and girls, many younger than age 18, to work in brothels on islands in Riau province, Jakarta, Bandung, and Surabaya (all in Java); Denpasar (Bali); Medan (Sumatra); Ambon (Maluku); Manado, Makassar, and Kendari (Sulawesi); and Jayapura, Sorong, and Merauke (Irian Jaya). Others are trafficked to Malaysia, Singapore, Japan, Taiwan, and Australia. Many of the girls and women were hired under false pretenses. One tactic commonly employed is to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrive at the site they learn that they have been recruited as sex workers. In some instances, women are held forcibly at brothels or are prevented from leaving an island. In other cases, the women have no option other than to accept the work because they lack money to travel and face other economic pressures. There also have been cases of boys involved in prostitution, especially in popular tourist destinations such as Bali and Lombok; at times such boys have been victims of trafficking, although the incidence reportedly is low.

According to the American Center for International Labor Solidarity (ACILS), only about 750,000 out of 2 million citizens working abroad in any given year are undocumented. However, because many workers enter Malaysia and other countries without documentation and government methodology for making estimates is questionable, the estimate of 2 million is not reliable. In February the Government signed a joint labor statement with Bangladesh, India, and Nepal in a Bangkok session of the Regional Southeast Asia Trafficking Convention. The statement includes among its points the recognition that trafficking has become a part of the labor migration process.

Hundreds of thousands of women abroad work as domestic servants. According to Ministry of Manpower statistics, there were approximately 1.5 million registered workers employed abroad from 1994 to 1999, and almost 70 percent of these workers were female. Host countries include Singapore, Hong Kong, Malaysia, Korea, and the Persian Gulf states. Although the percentage of the total is very low, in numerous cases, these women were subjected to conditions that amounted to trafficking. Recruiting agencies at times abuse and hold captive women recruited to work abroad as domestic servants, even before such women depart the country. The most common allegations among women working abroad are that they are underpaid or not paid at all; extreme working conditions and severe physical and sexual abuse also are common claims. There have been numerous reports of mistreatment of Indonesian laborers, especially of women, in Saudi Arabia. On July 9, the Government imposed a moratorium on labor export to work in Saudi Arabia, in an effort to obtain Saudi Arabia's consent to sign a labor agreement that would provide legal protection to Indonesian workers and the Saudi government subsequently signed such an agreement; however, the moratorium was subsequently lifted 7 weeks later.

The Government, in response to negative publicity and NGO efforts, took steps to improve conditions for female migrant workers in the country and to improve consular protection for those working abroad; however, many women remain vulner-

able. In contrast to NGO assertions, a consortium of labor recruiters insists that accounts of severe abuse of female migrant workers are exceptions to the norm.

While there are laws designed to protect children from sexual abuse, prostitution, and incest, the Government has made no special enforcement efforts in these areas. On September 24, the Foreign Minister signed U.N. Resolution 54/263 outlawing the sale of children and protecting children against prostitution. Nonetheless, government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. In response to public pressure in 2000, the Jakarta city government closed down brothels in the red-light district of Kramat Tunggak in North Jakarta. Corrupt government officials, some of whom are involved in trafficking themselves, at times hinder enforcement efforts that compromise their financial interests. Moreover, NGO's allege that there still is considerable reluctance to acknowledge, both within society and the Government, that prostitution is a major industry.

Muslim religious groups reacted to perceived government inaction against prostitution by attempting to combat the problem themselves. Muslim groups' raids on and destruction of brothels and other venues allegedly involved in prostitution, including massage parlors, karaoke bars, and nightclubs, increased in frequency and in aggressiveness during the year (see Section I.c.). However, the actions of the religious vigilante groups served to force prostitution further beyond the scrutiny of officials.

Domestic NGO's lead the efforts to monitor and prevent trafficking. At least a dozen NGO's are active in combating trafficking in persons. The Indonesian Women's Association for Justice facilitates public awareness programs in Jakarta to educate young women regarding the dangers of trafficking. The Indonesian Child Advocacy Foundation and the City Social Worker Group work to eliminate child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan an NGO, operates a hotline to record abuse cases and help abused women. The Indonesian Child Welfare Foundation issues anecdotal reports on trafficking incidents. The child labor umbrella organization, JARAK (NGO Network for Action Programs to Eliminate Child Labor in Indonesia), has 63 organizational members in 15 provinces and is involved in efforts to eliminate all aspects of child labor, including trafficking.

JAPAN

Japan is a parliamentary democracy based on the 1947 Constitution. Sovereignty is vested in the citizenry, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers of state, which is responsible to the Diet, a two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The Liberal Democratic Party (LDP), the Conservative Party, and the Komeito party formed the Government in July 2000; it is headed by Prime Minister Junichiro Koizumi. The judiciary is generally independent.

The self defense forces are responsible for external security and have limited domestic security responsibilities. The well-organized and disciplined police force is effectively under the control of the civilian authorities. However, there continued to be credible reports that police committed some human rights abuses.

In spite of a lengthy economic downturn, the industrialized free market economy continues to provide the approximately 127 million residents with a high standard of living and high levels of employment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be some credible reports that police and prison officials physically and psychologically abused prisoners and detainees. Officials sometimes were dismissed for such abuse but seldom are tried, convicted, and imprisoned. Violence against women and children, child prostitution, and trafficking in women were problems. Women, the Ainu (the country's indigenous people), the Burakumin (a group whose members historically are treated as outcasts), and alien residents experienced varying degrees of societal discrimination, some of it severe and longstanding. The Ministry of Justice received approximately 650,000 human rights-related complaints during the year ending in April; however, the Ministry's Civil Liberties Bureau has a small staff and limited investigative or enforcement powers. The administrative system for combating human rights violations was weak. Many cases end up in court.

In May the Justice Ministry's Council for Human Rights Promotion submitted final recommendations calling for stronger governmental measures to address human rights abuses, including the establishment of a human rights commission that would be tasked with providing relief measures to victims of social and racial

discrimination, domestic violence, and human rights violations committed by public authorities and members of the media (the recommendations noted breaches of privacy, defamation, and "obstruction of a peaceful private life" as potential human rights violations by the mass media and Internet users) through arbitration and administrative guidance. The report recommended that the proposed body also be granted investigative powers. The Justice Ministry is expected to submit legislation to the Diet in 2002 with the aim of establishing a human rights commission in 2003.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for freedom from torture and cruel, inhuman, or degrading treatment or punishment, and the Penal Code prohibits violence and cruelty toward suspects under criminal investigation; however, reports by several bar associations, human rights groups, and some prisoners indicate that police and prison officials sometimes used physical violence, including kicking and beating, as well as psychological intimidation, to obtain confessions from suspects in custody or to enforce discipline. Unlike in 2000, there were no allegations of beatings of detainees by employees of private security companies that operated immigration detention facilities at Narita International Airport. A revised National Police Law passed by the Diet in 2000 in response to a series of internal police allegations of misconduct, corruption, and bullying went into effect in February. The new law allows individuals to lodge complaints against the police with national and local public safety commissions. These commissions may direct the police to conduct investigations. However, public confidence remained low, and allegations persisted that the police and public safety commissions remained lax in investigating charges of police misconduct.

The Constitution and the Criminal Code include safeguards to ensure that no criminal suspect can be compelled to make a self-incriminating confession, nor convicted or punished in cases where the only evidence against the accused is his own confession. The appellate courts have overturned some convictions in recent years on the grounds that they were obtained as a result of coerced confessions. In addition civil and criminal suits alleging abuse during interrogation and detention have been brought against some police and prosecution officials.

About 90 percent of all criminal cases going to trial included confessions, reflecting the priority the judicial system placed on admissions of guilt. The Government points out that the high percentage of confessions, like the high conviction rate, is reflective of a higher standard of evidence needed to bring about indictment in the judicial system. Confession is regarded as the first step in the rehabilitative process.

Physical restraints, such as leather handcuffs, continued to be used as a form of punishment, and some prisoners have been forced to eat and relieve themselves unassisted while wearing these restraints. Ministry of Justice officials stated that restraints were used inside prisons only when prisoners have been violent and posed a threat to themselves and others, or when there was concern that a prisoner might attempt to escape. In June the Tokyo District Court ordered the Government to pay \$10,000 (1 million yen) in damages to a prisoner for being confined in handcuffs for prolonged periods of isolation at a Tokyo immigration detention facility in 1994. The Court ruled that manacling the man's hand behind him and detaining him in isolation for long periods was unlawful.

Prison conditions meet international standards; however, the National Police Agency and Ministry of Justice reported that some prisons and detention facilities were overcrowded during the year (see Section 1.d.). Prisons in most areas of the country were not heated, and prisoners were given only minimal additional clothing to protect themselves against cold weather. There have been cases of frostbite among the prison population in recent years. The Ministry of Justice requested funding in August as part of a 3-year plan to install heaters in prison buildings nationwide. Individual cells will remain unheated. Prisoners may not purchase or be given supplementary food. They were discouraged strongly from complaining about conditions. Prisoners faced severe restrictions on the quantity of their incoming and outgoing correspondence. The authorities read letters to and from prisoners, and the letters may be censored, or, with a court order, confiscated. All visits with convicted prisoners were monitored; however, those whose cases are pending were allowed private access to their legal representatives. Prison officials claimed that the "no complaining" policy was designed to keep family members from worrying about their relatives. For the same reason, the Justice Ministry usually does not inform a con-

demned inmate's family prior to the person's execution. Human rights organizations reported that lawyers also were not told of an execution until after the fact, and that death row prisoners were held for years in solitary confinement with little contact with anyone but prison guards. Parole may not be granted for any reason, including medical and humanitarian, until an inmate has served two-thirds of his or her sentence.

In the past, the Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Prison rules remain confidential. Wardens continued to have broad leeway in enforcing punishments selectively, including "minor solitary confinement," which may be imposed for a minimum of 1 and not more than 60 days in which the prisoner is made to sit (for foreigners) or kneel (for Japanese) motionless in the middle of an empty cell.

Women and juveniles are housed in separate facilities from men; at times during the year, some women's detention facilities also were operating over stated capacity. Pre-trial detainees also are held separately from convicted prisoners (see Section 1.d.).

Conditions in immigration detention facilities meet most international standards.

The Government restricts access to prisons by human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—Constitutional provisions for freedom from arbitrary arrest or imprisonment generally are respected in practice. The law provides for judicial determination of the legality of detention. Persons may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists in order to detain the accused. Under the law, a suspect may be held in detention at either a regular detention facility or "substitute" (police) detention facility for up to 72 hours. A judge interviewed suspects prior to detention. A judge may extend preindictment custody by up to two consecutive 10-day periods based on a prosecutor's application. These extensions were sought and granted routinely. Under extraordinary circumstances, prosecutors may seek an additional 5-day extension, bringing the maximum period of preindictment custody to 25 days.

In 1999 the Supreme Court upheld as constitutional the section of the Criminal Procedure Code under which police and prosecutors have the power to control and may limit access by legal counsel when deemed necessary for the sake of an investigation. Counsel may not be present during interrogations at any time before or after indictment. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney before indictment, although local bar associations provide detainees with limited free counseling. Critics charge that access to counsel is limited both in duration and frequency; the Government denies that this is the case. In 2000 presentencing bail was available in roughly 13 percent of cases.

Bar associations and human rights groups have criticized the use of a "substitute prison system" for prisoners awaiting court hearings. Although the law stipulates that suspects should be held in "houses of detention" between arrest and sentencing, a police detention facility may be substituted at the order of the court. This provision originally was added to cover a shortage of normal detention facilities. According to year-end Ministry of Justice data, normal prison facilities were filled to 104 percent of capacity in 2000, a 9.1 percent increase over 1999. Approximately 30 percent of normal detention facilities suffered from overcrowding in 2000. Critics charged that allowing suspects to be detained by the same authorities who interrogated them heightens the potential for abuse and coercion. The Government countered that cases sent to police detention facilities tend to be those where the facts were not in dispute. A Justice Ministry regulation permits detention house officials to limit the amount of documentation related to ongoing court cases retained by prisoners.

The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 3 months from the date of arrest; the average is 1 to 2 months. In one case, an accused allegedly was held for 3 years. In March in its final report, an advisory panel to the Prime Minister on judicial reform called for a substantial increase in judges, prosecutors, and Justice Ministry personnel to shorten the time between arrest and trial.

The law does not permit forced exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the judiciary generally is independent and free from executive branch interference. The Cabinet appoints judges for 10-year terms, which can be renewed until judges reach the age of 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendums.

There are several levels of courts, including high courts, district courts, family courts, and summary courts, with the Supreme Court serving as the final court of appeal. Normally a trial begins at the district court level, and a verdict may be appealed to a higher court, and ultimately, to the Supreme Court.

The Government generally respects in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. Although most criminal trials are completed within a reasonable length of time, cases may take several years to work their way through the trial and appeals process. Responding to the final report of a Government advisory panel established in 1999 to outline structural reforms to the judicial system, in June the Government announced plans to begin drafting legislation aimed at reducing the average time required to complete criminal trials and civil trials that include witness examination (which lasted an average of 20.5 months in 1999). Its proposals included hiring substantial numbers of additional court and Justice Ministry personnel, revising bar examinations, establishing new graduate law schools to increase the overall number of legal professionals (judges, lawyers, and prosecutors) three-fold by 2010, and requiring that courts and opposing litigants jointly work to improve trial planning by allowing for earlier evidence collection and disclosure. In the complex case of the Aum Shinrikyo 1995 sarin gas attack on the Tokyo subway system, the trials of seven senior members of the group were still underway in district courts at year's end.

There is no trial by jury. The defendant is informed of the charges upon arrest and is assured a public trial by an independent civilian court with defense counsel and the right of cross-examination. However, in June the Government's Judicial Reform Council recommended in its final report that randomly chosen members of the public be allowed to participate in determining rulings and penalties in criminal trials by deliberating the cases alongside professional judges. The Government submitted implementing legislation to the Diet in November with the aim of adopting all of the advisory panel's reform proposals by 2004; it was enacted in December.

A defendant is presumed innocent. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel; however, the Government contended that the right to consult with attorneys is not absolute and can be restricted if such restriction is compatible with the spirit of the Constitution. Access sometimes was abridged in practice; for example, the law allows prosecutors to control access to counsel before indictment, and there are allegations of coerced confessions (see Sections 1.c. and 1.d.). Defendants are protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claimed that legal representatives of defendants do not always have access to all needed relevant material in the police record to prepare their defense. A defendant who was dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court.

No guidelines mandate the acceptable quality of communications between judges, lawyers, and non-Japanese speaking defendants, although the Supreme Court publishes handbooks explaining the legal procedures and terms for court interpreters. In 2000 the Supreme Court introduced a training system to help court interpreters understand complicated trial procedures. However, no standard licensing or qualification system for certifying court interpreters exists, and a trial may proceed even if the accused does not understand what is happening or being said. The Supreme Court's 1998 statistics show a chronic shortage of qualified court interpreters, particularly for non-English speaking defendants. Foreign detainees frequently claim that police urged them to sign statements in Japanese that they cannot read and that are not translated adequately.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution protects the right to privacy of family, home, and correspondence, and the Government generally respects these rights in practice. Under the Constitution, each search or seizure must be based on a separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. In 2000 legislation went into effect which allowed law enforcement authorities to use wiretaps in certain criminal investigations, including suspected drug offenses, murder, and trafficking in persons. The law also stiffened penalties for the unauthorized use of wiretaps by police authorities. Under this law, wiretaps can only be used if law enforcement officials can demonstrate that all other investigative techniques have been ineffective.

In May the Kumamoto District Court ordered the Government to pay \$15 million (1.89 billion yen) to 127 plaintiffs suffering from Hansen's Disease who were confined to remote sanatoriums under the 1953 Leprosy Prevention Law, after a cure for the disease had been developed. Forced abortion and sterilization procedures were performed on some of the patients during their confinement. The Government decided against appealing the court decision in May, and in June the Diet adopted a compensation bill that agreed to provide between \$63,276–110,733 (8–14 million yen) each to over 4,000 former patients. There were no new developments in the longstanding effort by groups representing women and persons with disabilities to obtain a government investigation, a formal apology, and compensation in the case of the several thousand women with disabilities who were sterilized without their consent between 1949–92. A law that the Government revoked in 1996 permitted doctors, after they had received the approval of committees appointed by local governments, to sterilize persons with mental or physical disabilities or certain hereditary diseases without consent.

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. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

Academic freedom is respected. The Science, Technology and Education Ministry's authority to order revisions to elementary, middle, and high school textbooks based on national curriculum guidelines remains a source of domestic and international controversy. In 1997 the Supreme Court ruled that state screening of textbooks did not violate the constitutional provisions for freedom of expression. In August police investigated a suspected firebomb attack on the offices of the Japanese Society for History Textbook Reform whose controversial treatment of World War II events in a junior high school textbook sparked domestic and international protests.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Following the 1995 Aum Shinrikyo terrorist attacks, a 1996 amendment to the Religious Corporation Law gave government authorities increased oversight of religious groups and required greater disclosure of financial assets by religious corporations. The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a "religious corporation." In practice almost all religious groups register.

The only group under active government surveillance is the Aum Shinrikyo, which the Government considers to be a continuing public danger; it was renamed Aleph formally in 2000. Aum Shinrikyo lost its legal status as a religious organization in 1996 following its sponsorship of terrorist attacks. In response to reports of increased Aum Shinrikyo/Aleph fundraising and recruitment activities, local police and communities have taken measures against its members and chapters, including denying residency permits and public school access to Aum Shinrikyo/Aleph leader Asahara's children. In December 1999, the Diet passed legislation that allowed the authorities to seize the group's assets more easily, tighten surveillance against it, and force it to pay compensation to victims of its past crimes. The laws are subject to review, including possible repeal, in 2005. The Public Security Investigation Agency placed Aum Shinrikyo/Aleph under continuous surveillance for a 3-year period on January 31, 2000, on the basis of one of the new laws.

Members of the Unification Church and Jehovah's Witnesses have alleged that police do not act in response to allegations of forced deprogramming of church members. They also claimed that police do not enforce the laws against kidnaping when the victim is held by family members, asserting that Unification Church members were subjected to prolonged arbitrary detention by individuals, who were not charged by police.

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.

Citizens have the right to travel freely both within the country and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Citizenship may be forfeited by naturalization in a foreign country or by failure of persons born with dual nationality to elect citizenship at the required age.

Asylum and refugee policy is in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government requires applicants to appear at an immigration office within 60 days of arrival or within 60 days of learning that they are likely to be persecuted in their home country. Individuals who do not present their applications within the 60-day time frame due to extenuating circumstances may apply for an exception. However, the UNHCR estimated that approximately 50 percent of applicants were rejected for failing to meet the 60-day application deadline. An alien recognized as a refugee has access to educational facilities, public relief and aid, and social welfare benefits. An alien denied refugee status may appeal the decision to the Ministry of Justice. Rejected applicants also may take their cases to court if Ministry authorities do not recognize their objections. In an effort to make procedures clearer to applicants, the Government distributes a pamphlet in English, Chinese, and eight other languages to those interested in the asylum process.

While the Government sometimes grants first asylum, the Justice Ministry determines such grants on a case-by-case basis. The average processing time for initial case determination is approximately 1 year.

In recent years, the Government has granted refugee and asylum status to those claiming fear of persecution in only a small number of cases. It believes that most persons seeking asylum in the country do so for economic reasons. During the year, however, UNHCR noted an increase in inquiries on country situations by courts adjudicating appeals of refugee decisions. During the year, approximately 400 persons in the country were either seeking asylum or accorded refugee status. As of July, the Government had recognized 25–26 refugee cases; 197 new asylum cases were pending. According to UNHCR most new applicants were from Pakistan, Turkey, Afghanistan, and Iran. In 1998 the Justice Ministry began reversing an earlier decision to deny asylum to a group of Burmese prodemocracy students. In 1999 40 to 50 persons previously denied asylum were granted special residency status renewable on a yearly basis. This practice continued during the year; approximately 35 persons who had been denied asylum on first application were granted special resident status. In addition approximately 10,400 Vietnamese nationals were permitted to reside in the country under special residence permits; a program of family reunification for close relatives of these persons remained in operation.

In recent years, the Government has shown flexibility in dealing with visa extensions for Chinese student dissidents, although it continues to be reluctant to grant permanent asylum. Burmese asylum applicants have complained that asylum cases can continue for years without a formal decision.

Revisions to the Immigration Control and Refugee Recognition Act aimed at reducing visa overstays and the smuggling of persons became effective in 2000. These revisions have the potential to affect asylum-seekers. The new law imposes stiff penalties on persons illegally entering the country, and those deported are denied reentry for at least 5 years instead of the previous penalty of 1 year. However, the Immigration Bureau has given assurances to UNHCR that these new provisions will not be used against genuine asylum seekers.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 1998 the Diet granted citizens living overseas the right to vote for candidates in national elections in races based on proportional representation. In 1999 the Diet extended these absentee voting privileges to fishermen and mariners.

The country is a parliamentary democracy governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, the Conservative Party, and the Komeito party formed the existing coalition Government in July 2000.

There are no legal impediments to women's participation in government and politics, but the percentage of women in government and politics does not correspond to their percentage of the population. In recent years, there has been a slow increase in the numbers of women holding public office. As of August, women held 36 seats in the 480-member lower house of the Diet (7.5 percent), and 38 of the 247 seats in the upper house (15.4 percent). There are 5 women in the 18-member Cabinet. Women account for 19.8 percent of elected members of prefectural assemblies and

6.4 percent of elected members of local assemblies. Three of the country's 47 governors are women; the female Governors of Osaka and Kumamoto both were elected in 2000, and a third female governor was elected in Chiba during the year. According to the Home Affairs Ministry, there were 3,982 female prefectural and municipal assembly members at the start of the year, an increase of 110 persons over 1999.

No figures are available at the national level regarding minority political participation.

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

A number of local and international human rights organizations function freely, without governmental restrictions, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views, although the Government restricts access to prisons and immigration detention facilities by human rights groups (see Section 1.c.).

The Justice Ministry's Council for Human Rights Promotion an advisory panel continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Council submitted a report that called for greater attention to human rights education, particularly at the municipal level, and cited a number of ongoing human rights problems, including sexual harassment, domestic violence, and discrimination against the elderly, persons with disabilities, minorities, and foreigners. In May the Council submitted a final set of recommendations that included the establishment of a human rights commission tasked with providing relief through arbitration and administrative guidance to victims of social and racial discrimination, domestic violence, and human rights violations committed by public authorities and members of the media (the recommendations cite breaches of privacy, defamation, and "obstruction of a peaceful private life" as potential human rights violations by the mass media and Internet users). The report recommends that the proposed body be granted investigative powers, but it also recommends that its secretariat be established through a reorganization of the Justice Ministry's existing Civil Liberties Bureau. Public debate over the independence of the proposed body continued through September.

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

The Constitution prohibits discrimination on the basis of race, creed, gender, social status, or family origin, and the Government respects these provisions.

Women.—Violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Also, women who are victims of domestic violence typically return to the home of their parents rather than file reports with the authorities. Therefore, National Police Agency statistics on violence against women probably understated the magnitude of the problem. According to the Health Ministry, 9,176 consultations on domestic violence were handled at 47 women's counseling centers in the year ending March 31. The National Police Agency reported 1,096 injuries or killings due to domestic violence in 2000, a 50 percent increase over 1999. In April the Diet passed a new law to combat domestic violence which allows district courts to impose 6-month restraining orders on perpetrators and sentence violators to up to 1 year in prison or fines of up to \$7,910 (1 million yen). In addition the law, which came into effect in October, also covers common-law marriages and divorced individuals; it also encourages prefectures to expand shelter facilities for domestic abuse victims and stipulates that local governments offer financial assistance to 40 private institutions already operating such shelters. In December police in Kanagawa Prefecture arrested a man for violating a restraining order, which had been issued under the new law in November. According to National Police Agency statistics, 2,228 rapes and 9,326 indecent assaults were reported during the year. Husbands have been prosecuted for spousal rape; usually these cases involved a third party who assisted in the rape. The National Police Agency confirmed three cases of spousal rape during the year.

Many local governments were responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices. An antistalking law went into effect in November 2000 in response to rising complaints about women's lack of recourse in dealing with stalkers. Through June police received 9,142 stalking complaints; they arrested 66 persons and issued 453 warnings between November 2000 and May.

Local governments and private rail operators continued to implement measures designed to address the widespread problem of groping and molestation of female commuters. According to the National Police Agency, in 2000 police arrested 1,854

persons in Tokyo and 982 persons elsewhere in the country for groping. The Tokyo Metropolitan Police organized a council with representatives of train companies to discuss antigroping measures in June. As a result, several railway companies started a poster campaign to raise awareness of antigroping ordinances and to advertise railway police contact information, including contact information for the molestation complaint offices established by the Metropolitan Police Department in 1995. At the suggestion of the Metropolitan Police, the Tokyo Metropolitan Assembly also revised its antigroping ordinance in September to make first-time offenders subject to imprisonment. In March Keio Electric Railway Company decided to make a trial women-only rail car program permanent, reserving one car only for women on all express and limited express trains running after 11 p.m. Monday to Friday.

Trafficking in women was a problem (see Sections 6.c. and 6.f.).

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination; however, sexual harassment in the workplace remains widespread. A National Personnel Authority survey of female public servants conducted in 2000 found that 69.2 percent of all female respondents believe they have been subjected to acts that constitute sexual harassment. The National Personnel Authority established workplace rules in April 1999 in an effort to stop harassment in public servants' workplaces. New survey data indicates that the most severe forms of sexual harassment may be declining in government workplaces; female public servants who stated that their bosses had pressured them into a sexual relationship dropped from 17 percent in 1997 to 2.2 percent in 2000. In 1999 a revision to the Equal Employment Opportunity (EEO) Law intended to address problems of sexual harassment and discrimination against women went into effect. The revised EEO Law includes measures to identify companies that fail to prevent sexual harassment, although it does not include punitive measures to enforce compliance; the law's only penalty is that names of companies that practice sexual discrimination can be publicized. The Ministry of Labor does not enforce compliance through fines or other punitive penalties. However, since the 1999 revision, there has been a 35 percent increase in consultations over workplace sexual harassment cases. Under the Labor Standards Law, an arbitration committee is allowed to initiate procedures to help ensure the rights of female workers at the worker's request, without first having to obtain approval from both management and the worker's union. A number of government entities have established hot lines and designated ombudsmen to handle complaints of discrimination and sexual harassment.

The Labor Standards Law forbids wage discrimination against women. Under the revised EEO Law, women may work overtime shifts.

Women make up 40 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 51 percent. In response to a 2000 Government survey that revealed that potential employers had discriminated against one in five women entering the work force on the basis of gender, in April the Labor Ministry distributed 100,000 manuals outlining 25 hiring or recruiting practices that violated the EEO law. Although the Labor Standards and the EEO laws prohibit wage discrimination against women, in 2000 female workers on average earned only 65.5 percent of average male earnings. In general younger women (age 20–24) tended to make almost as much as men do; older women (50 and older) tended to make much less. Much of this disparity results from the "two-track" personnel administration system found in most larger companies under which new hires are put into one of two categories: Managerial track (those engaged in planning and decisionmaking jobs and with the potential to become top executives); or general track (those engaged in general office work). According to a 1998 survey by the Management and Coordination Agency, women held 9.2 percent of managerial positions. A 1998 Labor Ministry survey found that over half of the companies with a two-track personnel system did not even consider women for managerial track positions. In March the Osaka District Court dismissed a wage bias suit filed by female employees of Sumitomo Chemical Company who had been placed in a non-managerial career track in 1970 when the company introduced a dual-track system. However, in August the Tokyo District High Court ruled against conventional wage compensation assessment methods that used existing gender income disparities to determine future earnings potential in the case of minors. According to the Prime Minister's Bureau of Gender Equality, women held 4.1 percent of top local government positions through March, although they make up as much as a third of all local government workers. According to the Home Ministry, some of the 4,200 local governments that urged employees to retire before the mandatory age of 60 regularly urged female employees to retire at younger ages than male employees. In January a Kanazawa District Court found the town government of Toriya in violation of the Local Civil Service Law and ordered it to pay redress to a female civil

servant who refused to retire when asked to do so in 1996. The town's retirement system urged female employees to retire at 48 and males at 58.

In addition to discrimination, the traditional male and female division of labor at home places disproportionate burdens on working women, who were still responsible for almost all child care and household duties.

Advocacy groups for women and persons with disabilities continued to press for a government investigation into sterilization cases that were carried out between 1949–92, a formal government apology, and compensation (see Section 1.f.).

In 1993 the Government publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing as many as 200,000 women (including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese) to provide sex to soldiers between 1932–45. A 1999 U.N. Subcommission on Prevention of Discrimination and Protection of Minorities report included a recommendation that the Government provide state compensation to former "comfort women" and prosecute those responsible for setting up and operating "comfort stations" during World War II. The Government has been unwilling to pay direct compensation to individual victims, on the grounds that postwar treaties settled all war claims. In March the Hiroshima High Court reversed a 1998 Yamaguchi District Court ruling that had ordered the Government to pay \$2,542 (300,000 yen) in state compensation to three Korean former comfort women for neglecting its constitutional duty to enact compensation legislation following the Government's 1993 admission. The District Court ruling had been the first court judgment rendered in favor of foreign war victims. Over 50 damage suits have been filed in Japanese courts; approximately 10 cases were pending at year's end. In October a U.S. federal judge dismissed a lawsuit brought by 15 comfort women, ruling that U.S. courts do not have jurisdiction over claims arising from Japan's wartime conduct.

The "Asian Women's Fund" (AWF) is a private, government-sponsored fund established to "extend atonement and support" to former comfort women. The AWF supports three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. Projects in the first category were funded by private donations, while the second and third types of projects were financed by the Government and administered by the AWF. As of November 21, the AWF had collected donations totaling approximately \$4.33 million (548 million yen) and given lump sum payments of almost \$2.97 million (376 million yen) and a letter of apology signed by the Prime Minister to more than 188 women from the Philippines, Korea, and Taiwan. These women also received medical and welfare assistance from the AWF. The AWF has reached an agreement with a Dutch affiliate to make compensation payments to former Dutch comfort women; government officials estimate that up to 100 Dutch women were forced to provide sexual services during World War II. However, the Government's refusal to pay direct compensation continues to draw international criticism.

Children.—The Government is committed to children's rights and welfare, and in general the rights of children were protected adequately. Boys and girls have equal access to health care and other public services. Education was free and compulsory through the lower secondary level (age 14, or ninth grade). Education is available widely to students who meet minimum academic standards at the upper secondary level through the age of 18. Society places an extremely high value on education, and enrollment levels for both boys and girls through the free upper secondary level (to age 18) exceed 96 percent.

Public attention is focused increasingly on reports of frequent child abuse in the home. In 2000 the Diet enacted a law granting child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. This law raised public awareness of the problem of child abuse. The law also bans abuse under the guise of discipline and obliges teachers, doctors, and welfare officials to report any suspicious circumstances to the 174 local child counseling centers located nationwide or to municipal welfare centers. According to the National Police Agency, through June 31 children died of abuse or neglect. Through March police investigated 51 cases of child abuse, in which 20 adults were arrested, an increase of 30.8 percent over the previous year for the same period. From April 2000 through March, family courts mandated the transfer of 6,168 children into protective state custody. Child protection centers also received 18,800 reports of abuse in the year ending in April, an increase of 17 percent since 1990. A 1999 report by the Ministry of Health and Welfare warned that, since caseloads at counseling centers nearly doubled from 1988–96, cuts in funding by local governments to centers handling child abuse cases were exacerbating the problem. In August the Ministry conducted a nationwide survey of how municipal governments responded to abuse cases with the aim of increasing subsidies to local governments to develop child abuse prevention networks.

In November the Government announced its intention to rehire counselors dismissed from child protection centers in recent years. Also in November, the Tokyo chapter of the Japan Legal Aid Fund established a \$237,285 (30 million yen) fund to provide free legal services to children in family court protective custody hearings.

Incidents of student-on-student violence in schools and severe bullying ("ijime") also continued to be a societal and government concern. At elementary and junior high schools, bullying most often involved verbal abuse, with physical abuse occurring more often at the high school level. An Education Ministry survey released in August reported 20,751 cases of student-on-student violence in public schools during the 2000–01 academic year, a 10 percent increase from the previous year. In past years, surveys have suggested that as many as one in three elementary and junior high school students had been bullied, but more than one-third of the victims did not report the bullying. In addition to compiling statistics on bullying and consulting with various groups concerned with children's welfare, the Ministry of Justice's Office of the Ombudsman for Children's Rights provided counseling services for children 18 years of age and younger who have been victims of bullying. In December the Fukuoka District Court ruled that the Jojima Municipal and Fukuoka Prefectural governments had not taken sufficient action in the case of a boy who committed suicide in 1996 after being harassed and beaten by classmates and ordered the governments to pay \$79,095 (10 million yen) in compensation to the boy's parents.

Teachers also increasingly are becoming the targets of student violence. Education Ministry statistics for 2000 showed a 16.2 percent increase in assaults on teachers by students over the previous year.

In previous years, both the Government and society in general appeared to take a lenient attitude toward teenage prostitution and dating for money (which may or may not have involved sexual activity). However, in 1999 the Diet passed a law banning sex with persons under age 18 as well as the production, sale, or distribution of child pornography. The law was passed following heightened public attention to a growing problem of teenage prostitution and international criticism over the country's lax laws on child pornography. The law has reduced the open availability of child pornography. Whereas in 1998 INTERPOL estimated that 80 percent of Internet sites with child pornography originated in Japan, by late 1999, after passage of the law, the police reported most of these sites either had disappeared entirely or were accessible only at random hours to avoid detection and arrest. Since April 1999, operators of pornographic home pages and suppliers of pornographic images have been required to register with local safety commissions and not to offer such pages to persons under the age of 18. According to the National Police Agency, the police arrested 108 persons between January and June for patronizing teenage prostitutes and child pornography, double the number for the same period in 2000. However, teenage prostitution and dating for money continues to be a concern. In one high profile case, in August the Tokyo District Court sentenced a Tokyo High Court judge to a 2-year suspended sentence for patronizing a teenage prostitute. In impeachment proceedings concluded in November, he lost his certificate as an officer of the court and was barred from requesting reinstatement for 5 years. In December the Government hosted an international conference on combating sexual exploitation of children.

In February revisions to the Juvenile Law went into effect that lowered the age at which children can be held criminally responsible for their actions from 16 to 14. Under juvenile law, juvenile suspects are tried in family court and have the right of appeal to an appellate court. Family court proceedings were not open to the public, a policy that has been criticized by family members of juvenile crime victims. The number of juveniles arrested and sent to prosecutors was down 6.6 percent in 2000, according to the National Police Agency.

In 2000 the Tokyo prefectural government put into effect programs to protect the welfare of stateless children, whose births their illegal immigrant mothers refused to register for fear of forcible repatriation. According to Justice Ministry statistics, 720 stateless minors under the age of 5 were in the country in 2000.

Persons with Disabilities.—There are an estimated 2.9 million persons with physical disabilities and roughly 2 million persons with mental disabilities. Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, persons with disabilities face limited access to public transportation, "mainstream" public education, and other facilities. The Deliberation Panel on the Employment of the Handicapped, which operates within the Ministry of Labor, mandated that private companies with 300 or more employees hire a fixed minimum proportion of persons with disabilities. The penalty for noncompliance was a fine. A 1998 cabinet directive ordered private companies to raise the proportion of persons with physical disabilities in their work force from 1.6 to 1.8 percent and

raised the percentage of persons with disabilities among civil servants from 2 to 2.1 percent. Some prefectural governments provided subsidies to companies that employed persons who used wheelchairs. In June the Diet passed legislation amending 27 laws that previously had banned the blind, deaf and those with mental disabilities from working as doctors, dentists, nurses, and pharmacists. The Health, Labor, and Welfare Ministry started awarding licenses for these professions on a case-by-case basis in July.

The law does not mandate accessibility to buildings for persons with disabilities; however, the law on construction standards for public facilities allows operators of hospitals, theaters, hotels, and similar enterprises to receive low-interest loans and tax breaks if they build wider entrances and elevators to accommodate persons with disabilities. In 2000 the barrier-free transportation law took effect, requiring public transport systems to take measures to make their facilities more accessible to persons with disabilities as well as to the elderly.

The Law to Promote the Employment of the Handicapped includes those with mental disabilities. The law also loosened the licensing requirements for community support centers that promote employment for persons with disabilities, and it introduced government subsidies for the employment of persons with mental disabilities in part-time jobs.

The Headquarters for Promoting the Welfare of Disabled Persons, set up by the Prime Minister's Office, in previous years recommended that municipalities draw up formal plans for the care of citizens with disabilities. The Ministry of Health and Welfare also has instructed local governments to set numerical targets for the number of home help providers and care facilities allocated to the disabled. In 2000 74.9 percent of municipalities had formal care plans for citizens with disabilities. During the year, the Government abolished Medical Service Law provisions that had exempted mental hospitals from minimum staffing guidelines; however, reports of understaffing persisted.

Advocacy groups for women and persons with disabilities continued to press for a government investigation into sterilization cases that were carried out between 1949-92, a formal government apology, and compensation (see Section 1.f.).

Indigenous People.—The Ainu are a people descended from the first inhabitants of the country. Under an 1899 law, the Government pursued a policy of forced assimilation, imposing mandatory Japanese-language education and denying the Ainu their right to continue traditional practices. The law also left the Ainu with control of only approximately 0.15 percent of their original land holdings and empowered the Government to manage communal assets.

In 1997 the Sapporo District Court ruled that the Ainu were a minority aboriginal race, and later that year, the Diet passed the Law to Promote Ainu Culture. The law recognized the Ainu as an ethnic minority, and required all prefectural governments to develop basic programs for promoting Ainu culture and traditions. It also canceled previous laws that discriminated against the Ainu, including the 1899 law, and required the Government of Hokkaido to return Ainu communal assets. However, the law stopped short of recognizing the Ainu as the indigenous people of Hokkaido and also failed to address whether they deserved special rights as a distinct ethnic group. The new law did not mandate civil rights protection for the Ainu. A nonbinding accompanying resolution referred to the Ainu as a legal Japanese minority. A 1998 report submitted by the U.N. Special Rapporteur to the U.N. Working Group on Indigenous Populations stated that the Ainu never had entered into a consensual juridical relationship with any state and stated that the lack of such an agreement deprived them of their rights. Many Ainu criticize the Law to Promote Ainu Culture for not advancing Ainu political rights and criticize the Government for not providing funds for noncultural activities that would improve Ainu living conditions or financial status. The Japan Ainu Association, a nationwide organization of Ainu, lobbies the Government for economic assistance and greater social welfare benefits for Ainu throughout the country. According to a 1999 survey, 3.72 percent of Ainu receive welfare benefits, roughly double the national average of 1.84 percent.

The Ainu continue to face societal discrimination while engaging in an uphill struggle against complete assimilation, although Ainu-language newspapers, radio programs, and academic programs studying Ainu culture have increased since 1997. In March the U.N. Committee on the Elimination of Racial Discrimination (CERD) noted that the country "has not taken sufficient steps to address the issue of discriminatory treatment of Koreans and Ainu living in" the country. In February several nongovernmental groups, including the Ainu Association of Hokkaido and the Citizens' Diplomatic Center for the Rights of Indigenous People, protested the Government's failure to note continuing social and economic discrimination faced by the Ainu in its 2000 report to the CERD.

National/Racial/Ethnic Minorities.—Burakumin, Koreans, and alien workers experience varying degrees of societal discrimination, some of it severe and long-standing.

The Burakumin (descendants of feudal era “outcasts” who practiced “unclean” professions such as butchering and undertaking), although not subject to governmental discrimination, frequently are victims of entrenched societal discrimination, including restricted access to housing and employment opportunities. They are estimated to number approximately 3 million, but most prefer to hide their identities. In a 1993 government survey, 33 percent of Burakumin said that they suffered discrimination at some point during their lifetime, with 24 percent experiencing difficulties in marriage, 24 percent in daily life, and 21 percent at their place of work. Beginning in 1969, the Government introduced with some success a number of social, economic, and legal programs designed to improve conditions for the Burakumin and hasten their assimilation into mainstream society. However, in recent years, some within the Burakumin community have questioned whether assimilation is an appropriate goal. When the basic legislation to provide funding for Burakumin programs expired in 1997, the Government enacted legislation effective for 5 years that retains 15 of the original 45 programs for Buraku communities. An August working paper commissioned by a U.N. Human Rights Commission’s Subcommission on the Promotion and Protection of Human Rights acknowledged that the living standards of the Buraku had improved but noted that discrimination in marriage and employment continues.

In recent years, the Buraku Liberation League has placed less emphasis on class struggle and more emphasis on civil rights, social welfare, and the environment. The League also replaced the term Burakumin (hamlet people) with Buraku Jumin (hamlet residents), to try to debunk the false concept that the Burakumin are a different race from other Japanese.

According to the Ministry of Justice, there were nearly 1.68 million legal foreign residents as of December 31, 2000, accounting for 1.33 percent of the population. Of these, approximately 635,000 were ethnic Koreans, followed by 335,500 Chinese, 254,270 Brazilians, and 144,870 Filipinos. The number of Korean residents—a record low 37.7 percent of the foreign population in 2000—has been decreasing steadily since 1991 as Korean nationals naturalized or married Japanese, which allows their children to gain Japanese citizenship automatically. Despite improvements in legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan) still were subject to various forms of deeply entrenched societal discrimination. Two associations representing Korean residents in Japan lodged protests against the Public Security Investigative Agency (PSIA) and the Kyoto municipal government when media reports revealed that the PSIA had investigated over 200 persons of Korean ancestry under the Subversive Activities Prevention Law. In June the Tokyo District Court rejected a suit filed by a Korean resident seeking compensation from a Chiba golf club operator for denying him membership because he is a foreigner.

Other foreigners also were subject to discrimination. There is a widespread perception that foreigners commit many crimes. In February non-Japanese residents of Nagano prefecture petitioned the governor to remove posters issued by the Nagano Prefectural Police and the Japan Crime and Fire Prevention Communication Association that depicted foreigners committing crimes. As a result of widespread media attention, appeals by the Justice Ministry, and an antidiscrimination campaign waged by nongovernmental organizations, several businesses in Hokkaido lifted their bans against foreigners. In February in Hokkaido police investigated death threats made against a foreign born naturalized citizen who had sued both a bathhouse for refusing him entrance on the basis of race, and the Otaru Municipal Government for failing to take measures to stop discriminatory entrance policies; his court case was pending at year’s end.

By law aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote; however, in practice most eligible aliens choose not to apply for citizenship, in part due to fears that their cultural identity would be lost. Obstacles to naturalization include broad discretion available to adjudicating officers and great emphasis on Japanese-language ability. Naturalization procedures also required an extensive background check, including inquiries into the applicant’s economic status and assimilation into Japanese society. Koreans were given the option of adopting a Japanese surname. The Government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society. Alien permanent residents may live abroad for up to 4 or 5 years without losing their right to permanent residence in the country.

In 1995 the Supreme Court ruled that the Constitution does not bar permanent foreign residents from voting in local elections. However, the Court also ruled that existing laws denying voting rights to foreign residents were not unconstitutional. In 2000 the Supreme Court upheld Nagoya and Osaka High Court decisions rejecting appeals by Korean permanent residents demanding the right to vote in local elections. The courts have consistently ruled that limiting the vote to citizens is constitutional, but that the Diet could legislate suffrage for foreign residents. Such legislation was submitted to the Diet early in the year, but it was held over for deliberation in the fall extraordinary session due to continued resistance within the ruling coalition. At year's end, strong opposition to the legislation within the Diet, particularly within the Liberal Democratic Party, remained. In March 1999, the Osaka Prefectural Assembly passed a measure granting permanent residents local suffrage, becoming the third prefecture to pass such a bill.

Under the School Education Law, students attending Chinese, Korean, or other non-Japanese-language schools are not eligible to take national university examinations. However, in August 2000, the Education Ministry announced that, beginning in 2001, graduates of non-Japanese-language schools would be eligible to take national university examinations if they pass a state-run high school equivalency test. In December the Education Ministry began studying implementation of a Cabinet report that concluded universities should admit graduates of non-Japanese-language schools without the high school equivalency test. A number of local governments provide subsidies to Korean schools; the central Government does not subsidize any non-Japanese-language schools.

In 2000 a revised law to end the practice of fingerprinting permanent foreign residents went into effect. Instead of fingerprinting, the Government established a family registry system that uses the resident's picture and signature and contains information on parents and spouses living in the country, a system similar to that used for citizens. All foreign residents still are required to carry alien registration certificates at all times, but the revised law reduces the penalties imposed on those found without documentation. However, in April the Osaka High Court confirmed the legality of the former fingerprinting procedure and overturned a 1998 lower court ruling that had ordered three prefectures to pay damages to six foreign residents who had been tried for violations of the Alien Registration Law in the 1980s for refusing to be fingerprinted.

In 1996 the Home Affairs Ministry reversed the long-held national policy of opposition to localities lifting the Japanese nationality requirement for public servants. However, the Ministry instructed local governments to restrict noncitizens' access to jobs that involved the exercise of public authority and formation of public opinion. The directive also required local governments clearly to state which jobs were closed to noncitizens. Some of the jobs considered off limits include tax collection, construction permit issuance, sanitation inspection, and firefighting.

Several local governments already have changed their rules in response to the Government's position. In 1999 the Hakodate municipal government began to allow foreign residents to take employment tests for all city jobs except firefighters. According to a 1997 joint survey conducted by the All Japan Prefectural and Municipal Workers Union and the Korean Residents Association in Japan, 19.8 percent of local governments still forbid hiring noncitizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to associate freely in unions. Approximately 11.5 million workers, 21.5 percent of all employees, belong to labor unions. Unions are free of government control and influence. Although most unions are involved in political activity as well as labor relations, they are not controlled by political parties. There are no restrictions requiring a single trade union structure, nor are there restrictions on who may be a union official. The Japanese Trade Union Confederation, which represents 7.2 million workers and was formed in 1989 through the merger of several confederations, is the largest labor organization. The right to strike, implicit in the Constitution, is exercised. During 1999 87,000 workdays involving 26,000 employees were lost to strikes. The law prohibits retribution against strikers and is enforced effectively.

However, some public employees, including members of the armed forces, police, and firefighters are not permitted to form unions or to strike. These restrictions have led to a long-running dispute with the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over the observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in the process of determining their wages and has asked the

Government to consider measures it could take to encourage negotiations with public employees.

Unions are free also to affiliate internationally and are active in international bodies, most notably the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to organize, bargain, and act collectively. These rights are exercised freely, and collective bargaining is practiced widely. The annual “Spring Wage Offensive,” in which individual unions in each industry conduct negotiations simultaneously with their firms, involves nationwide participation. Management usually consults closely with its enterprise union. However, trade unions are independent of management and aggressively pursue the interests of their workers. The law prohibits antiunion discrimination, and adequate mechanisms exist for resolving cases that occur, including the reinstatement with back wages of any workers fired for union activities. However, the collective bargaining rights of public employees were limited. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution provides that no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited. Although children were not specified in the provision, this legal prohibition against forced or compulsory labor applies equally to adults and to children. Although in general forced or bonded labor does not occur, women were trafficked to the country for the purpose of prostitution (see Section 6.f.).

Former Allied prisoners of war and Chinese and Korean workers continued to press claims for damages and compensation for forced labor during World War II in Japanese civil courts, U.S. courts, and in complaints to the ILO. In July and August, the Tokyo and Kyoto District Courts ordered the Government to pay damages in two separate cases. In the first, compensation was ordered to be paid to the family of a Chinese man who died in hiding after escaping from a coal mine where he had been forced to work during World War II. In the second case, compensation was ordered to be paid to 15 survivors of a 1945 explosion that had killed 524 Koreans brought to the country as forced laborers. Both lower courts ruled that the Government had failed to ensure a safe return home for the laborers but rejected further compensation for their forced labor. The Government was appealing both rulings at year’s end. In April the Supreme Court rejected two separate lawsuits filed by individuals seeking disability pensions for injuries sustained while forced to serve with the Imperial army. In 2000 the Diet passed a law offering “condolence money” for foreign nationals killed or injured while serving with the Imperial army in response to a 1998 Tokyo High Court recommendation. The Public Management Ministry began accepting applications for condolence money in April; the legislation provides for payments of \$33,333 (4 million yen) to seriously injured foreign national soldiers and \$21,667 (2.6 million yen) to the survivors of those foreign nationals killed in service. However, seriously injured Japanese veterans are eligible for \$632,761 (80 million yen) and a lifetime pension. An ILO committee has called on the Government to take additional measures to satisfy individual Chinese and Korean victims of forced labor during the war.

The Asian Women’s Fund continued to support former comfort women, who were forced to provide sexual services to Japanese troops during World War II (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of children. Both societal values and the rigorous enforcement of the Labor Standards Law protect children from exploitation in the workplace. By law children under the age of 15 may not be employed, and those under age 18 may not be employed in dangerous or harmful jobs. The Labor Inspection Division of the Ministry of Labor, which vigorously enforces the Labor Standards Law, reported 16 violations in 2000.

The Government prohibited forced or bonded labor, including that performed by children, and enforced this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages is considered widespread. Minimum wage rates, effective during the year, ranged from \$18 (2,231 yen) per hour in Tokyo to \$11 (1,358 yen) in Aomori prefecture and are considered sufficient to provide a worker and family with a decent standard of living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day. However,

labor unions frequently criticized the Government for failing to enforce maximum working hour regulations in smaller firms.

The Ministry of Labor effectively administered various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law. Standards were set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Central Labor Standards Council. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

The Immigration Bureau of the Justice Ministry estimated that, as of January 1, there were 252,000 foreign nationals residing illegally in the country. Illegal immigrants come primarily from South Korea, the Philippines, China, Thailand, and Malaysia. In February the Justice Ministry announced plans to construct a new immigration detention facility in Tokyo and to increase legal immigration numbers by 1,100 over a 5-year period as part of an effort to decrease the numbers of illegal foreign residents.

While many foreign illegal residents entered the country in search of better paying manufacturing and construction jobs, these opportunities decreased during the economic slowdown. Thus more foreign workers were unemployed or marginally employed. Activist groups claim that employers exploited or discriminated against foreign workers, who often have little or no knowledge of the Japanese language or their legal rights. In August nongovernmental organizations held a forum on migrant labor that was attended by 1,000 activists. The forum was held to draw attention to exploitative practices, including unsafe working conditions and unpaid overtime, that foreign workers are exposed to while working on "trainee" visas under the Foreign Technical Trainee and Technical Internship Programs. The Government has tried to reduce the inflow of illegal foreign workers by prosecuting employers. Revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers also may be denied entry for passport, visa, and entry application irregularities. In addition the 1999 revision to the immigration law established penalties for illegal stays separate from existing injunctions against illegal entry. The Government continued to study the foreign worker issue, and several citizens' groups were working with illegal foreign workers to improve their access to information on worker rights.

f. Trafficking in Persons.—The Constitution prohibits holding persons in bondage, and the Penal Code contains several provisions that could be used to combat trafficking of persons; however, there are no specific laws that prohibit trafficking in persons, and trafficking of women and girls into the country was a problem. Women and girls, primarily from Thailand, the Philippines, and the former Soviet Union, were trafficked into the country for sexual exploitation and forced labor. Women and girls from Colombia, Brazil, Mexico, South Korea, Malaysia, Burma, and Indonesia also were trafficked into the country in smaller numbers. Japan also was a destination for illegal immigrants from China who were trafficked by organized crime groups who often hold such persons in debt bondage for sexual exploitation and indentured servitude in sweatshops and restaurants. In recent years, the Government has reported that some smugglers use killings and abduction to ensure payment.

There is evidence that trafficking takes place within the country to the extent that some recruited women subsequently were forced, through the sale of their "contracts," to work for other employers.

Reliable statistics on the number of women trafficked to the country were unavailable. In 2000 the National Police Agency identified 104 women as potential trafficking victims during criminal investigations involving entertainment businesses. However, the Government does not consider an individual who has willingly entered into an agreement to work illegally in the country to be a trafficking victim, regardless of that person's working conditions once in the country. Thus, government figures may understate the problem as persons who agreed to one kind of work find themselves doing another, or are subject to force, fraud, or coercion. Traffickers were prosecuted for crimes ranging from violations of employment law to Penal Code offenses such as abduction, and the Government does not compile statistics on the number of trafficking victims associated with these cases. Since trafficked women generally are deported under immigration law as prostitutes, immigration statistics may provide only a rough picture of the scale of the problem. A government-funded study released in August 2000 found that nearly two-thirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress. Ministry of Justice statistics indicated that 1.5 percent of the 24,661 women deported in 1999, the latest figures available, were deported as prostitutes (others who worked in the sex industry were deported for other

reasons). Many women who are trafficked into the country, particularly from the Philippines, also enter legally on entertainment visas. An estimated 40,000 women from the Philippines enter the country each year on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no minimum wage protections; however, there are indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering on other types of visas or illegally.

Brokers in the countries of origin recruit women and "sell" them to Japanese intermediaries, who in turn subject them to debt bondage and coercion. Agents, brokers, and employers involved in trafficking for sexual exploitation often have ties to organized crime.

Women trafficked to the country generally are employed as prostitutes under coercive conditions in businesses that are licensed to provide commercial sex services. Sex entertainment businesses are classified as "store form" businesses such as strip clubs, sex shops, hostess bars, and private video rooms, and as "nonstore form" businesses such as escort services and mail order video services which arrange for sexual services to be conducted elsewhere. According to NGO's and other credible sources, most women who were trafficked to the country for the purpose of sexual exploitation were employed as hostesses in "snack" bars, where they were required to provide sexual services off premises.

For example, many Thai women were enticed to come to the country with offers of lucrative legitimate employment, only to be sexually exploited; many others reportedly know that they will work as prostitutes. However, whether or not they understand the nature of the work they will be doing, trafficked women generally do not understand the debts they will be forced to repay, the amount of time it will take them to repay the debts, or the conditions of employment they will be subjected to upon arrival. According to Human Rights Watch, the passports of Thai women trafficked to work in "dating" bars usually were confiscated by their "employers," who also demand repayment for the cost of their "purchase." Typically, the women were charged \$25,000 to \$40,000 (3 million to 5 million yen); their living expenses and expenses for medical care (when provided by the employer) and other necessities, as well as "fines" for misbehavior, were added on to the original "debt" over time. How the debt was calculated was left to the employers; the process was not transparent, and the employers reportedly often used the debt to coerce additional unpaid labor from the trafficked women. Employers also may "resell" or threaten to resell troublesome women or women found to be HIV positive, thereby increasing the debt they must repay and possibly worsening their working conditions. In order to repay the debts they incur, trafficked women generally must work long hours (often with no days off) for several months, essentially without pay. Many women were not allowed to refuse clients, even those known to be physically abusive. Most Thai women trafficked into the sex trade have their movements strictly controlled by their employers while working off their debt, and were threatened with reprisals, perhaps through members of organized crime groups, to themselves, or their families if they try to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. Most trafficked women also knew that they were subject to arrest if found without their passports or other identification documents. In any case, few spoke Japanese well, making escape even more difficult.

In 1999 the Diet amended the Law on Control and Improvement of Amusement Businesses in order to supplement the Prostitution Prevention Act as an instrument against trafficking. The amended law sanctions employers rather than just sanctioning victims and requires the Government to refuse to grant or to revoke the business license of anyone convicted of the "crime of encouragement" to engage in prostitution. In 1999 the Diet also enacted a law intended to prevent all forms of sexual exploitation of children, whether trafficked or not, which imposes a 1- to 3-year sentence on anyone convicted of trading in children for the purpose of child prostitution or child pornography (see Section 5). Traffickers can also be prosecuted for violations of employment, immigration, or labor laws, and for Penal Code offenses such as abduction and kidnaping. However, relatively few persons ever are prosecuted in connection with trafficking and forced sexual servitude; those who were prosecuted generally are prosecuted in connection with violations of immigration law. There were allegations that some law enforcement units have been reluctant to investigate reports of trafficking and that the Government has not been aggressive in arresting and prosecuting suspected traffickers.

Domestic NGO's and lawyers have compiled credible anecdotal evidence that suggested that some individual police officials have returned trafficking victims to their employers when these individuals sought police protection. NGO's also reported that police sometimes declined to investigate suspected brokers when presented with in-

formation obtained from trafficking victims. In a 1991 incident widely reported in the press, a government investigation found that two local police officials from Mie prefecture had returned the trafficking victims to their employers after having taken bribes from organized criminal groups that were associated with the traffickers. The two officials were forced to resign their positions, but were not prosecuted.

Except for the Tokyo Metropolitan Government, which funds a Tokyo-based NGO assisting victims of trafficking, the Government does not assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Antiprostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGO's; generally they are deported as illegal aliens. Victims often are treated as criminals because the Government does not consider persons who willingly enter for illegal work to be trafficking victims. Women without documentation or sufficient funds to return to their country of origin may be detained for long periods. Several NGO's throughout the country provided shelter, medical and legal assistance to trafficking victims. The Government funded trafficking prevention efforts in Asian source countries, sponsored public information campaigns targeted at potential victims, and provided equipment and training to police and customs officials in those countries.

KIRIBATI

Kiribati is a constitutional republic that occupies 33 small islands widely scattered across 1.365 million square miles of the central Pacific Ocean. The country has a popularly elected president and a legislative assembly of 42 members; 40 are elected by universal adult suffrage, the Rabi Island Council in Fiji nominates 1, and the Attorney General holds an ex-officio position. The judiciary is independent.

A police force of about 250 personnel is controlled effectively by the civilian authorities.

The country has a population of over 90,000 that is primarily Micronesian, with a significant component of Polynesian origin. Economic activity consists primarily of subsistence agriculture and fishing. The islands' isolation and meager resources, including poor soil and limited arable land, severely limit prospects for economic development. The per capita GDP is approximately \$500 (AUS\$950).

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; however, the Government placed some limits on freedom of the press. In this traditional culture, women occupy a subordinate role and have limited job opportunities. Violence against women and child abuse in urban areas were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and inhuman or degrading treatment or punishment; however, traditional practice permits corporal punishment for criminal acts and other transgressions. On some outer islands, the island councils occasionally order strokes with palm fronds to be administered for public drunkenness and other minor offenses, such as petty thievery.

Prison conditions generally meet international standards. There are separate facilities for men and women. Family members and church representatives are allowed access to prisoners. Both diplomats and senior judicial officials have visited the prison and reported no problems. The question of monitoring prison conditions by local human rights groups has not arisen, and no policy concerning such monitoring has been formulated. There were no known requests by nonresident international human rights monitors to visit the prison.

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

The Government does not use forced exile; however, on rare occasions village maneabas (councils) have used this punishment.

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

The judiciary consists of a high court, magistrate courts, a court of appeal, and land courts. Litigants also have the right of appeal to the Privy Council in London. The right to a fair public trial is provided by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided for in law. Procedural safeguards are based on English common law.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the Government limited these rights in some instances.

In May 2000, a former president established the country's first private newspaper, which enabled the opposition to present views divergent from those in the government-owned newspaper.

The sole AM and sole FM radio stations in Tarawa are government owned; they broadcast Radio Australia and Voice of America programming regularly. The country also has a government-supported radio station. An opposition attempt to operate a private radio station was blocked in 1999 when the Government closed the station and fined the owners for attempting to import broadcasting equipment without a license. A foreign journalist remains barred from entering the country after cabinet officials stated in 1999 that the journalist's articles "gave a bad impression of the country." The journalist did not attempt to reenter the country during the year. Churches published newsletters and other periodicals. High costs limited the availability of foreign print media and Internet access, but there were no Government-imposed limitations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. Permits are required for public gatherings, but these are granted routinely.

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

There were no reports of refugees. There is no national legislation implementing the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees, asylees, or first asylum. During the year, Australia inquired informally about the Government acting to protect refugees; however, no formal requests were made.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The President exercises executive authority and is elected for a 4-year term. No fewer than three and no more than four presidential candidates are nominated by the elected Legislative Assembly from among its members. Under the Constitution, the President is limited to three terms. In free and fair elections, voters reelected President Teburoro Tito to a second term in November 1998, with 52.3 percent of the votes. Most of President Tito's cabinet ministers have served in the previous cabinet. The next legislative election is scheduled for the latter part of 2002.

The percentage of women in government and politics does not correspond to their percentage of the population. Two women hold permanent secretary positions, and there are 2 women in the 42-member Parliament.

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

There are no restrictions on the formation of local human rights nongovernmental organizations, but none have been formed. There are no restrictions on operations by international human rights groups. There have been no reported allegations of human rights abuses by the Government and no known requests for investigations.

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

The Constitution prohibits discrimination on the basis of race, creed, national origin, or sex, and the Government observed these prohibitions in practice; however, only native-born I-Kiribati may own land. Society is fundamentally egalitarian and has no privileged class.

Women.—Spousal abuse and other forms of violence against women are a significant problem in Tarawa and the outer islands. Frequently, alcohol abuse is a factor in attacks on women. The law does not address specifically domestic violence, but general common law and criminal law make assault in all forms illegal. Rape, including spousal rape, is a crime, and the law is enforced when charges are brought to court, although it is suspected that prosecutions are relatively infrequent.

Prostitution is not illegal, but it is not a problem; procuring sex and managing brothels are illegal. The law does not prohibit sex tourism specifically; however, there were no reports of such activity. Obscene or indecent behavior is banned.

The law does not prohibit sexual harassment; however, it is not regarded as a problem.

The Constitution prohibits discrimination based on sex; however, the traditional culture, in which men are dominant, has impeded a more active role for women in the economy. Nevertheless, women slowly are finding work in unskilled and semi-skilled occupations. The Government has increased its hiring and promotions of women to some extent; however, women may not work at night except under specified circumstances (generally in service jobs such as hotel clerks). Statistics on the participation of women in the work force and on comparative wages were unavailable, and statistics generally are not well collected in the country. Women have full rights of ownership and inheritance of property as well as full and equal access to education.

Children.—Within its limited financial resources, the Government makes adequate expenditures for child welfare. Primary education is compulsory, free, and universal for children between the ages of 6 and 14 years. There are no official statistics available on the percentage of children attending school, but observers estimate that over 50 percent attend; there is no gender discrimination regarding attendance. All children have free primary school education (grades one through six). The 40 percent of primary school graduates who pass a national examination qualify to attend 3 years of junior secondary school and 4 years of senior secondary school on a subsidy; a small fee is charged to other students who wish to matriculate at these levels.

The Government provides free national medical service; however, there are no doctors on the outer islands. The central hospital in Tarawa provides basic medical services, but not intensive care facilities. There are no reports of gender bias in the provision of health services.

Child abuse is a growing problem, particularly on South Tarawa. There have been no reports of child prostitution.

Persons with Disabilities.—The law does not prohibit specifically discrimination against persons with disabilities; however, there were no complaints of discrimination in employment, education, or in the provision of other state services for persons with mental or physical disabilities. Accessibility for persons with disabilities has not been mandated; accommodations for persons with disabilities are basically nonexistent.

The central hospital on Tarawa has a wing for persons with mental disabilities. There is a foreign national psychiatrist working in Tarawa. Foreign-based aid workers and the World Health Organization cooperate with the Ministry of Health to conduct outer island workshops for health workers.

Section 6. Worker Rights

a. The Right of Association.—Freedom of association is provided for in the Constitution, and workers are free to join and organize unions. Over 90 percent of the work force are occupied in fishing or subsistence farming, but the small wage sector has a relatively strong and effective trade union force. An estimated 10 percent of the wage-earning workers are union members. In 1982 seven registered trade unions merged to form the Kiribati Trade Union Congress (KTUC), which has approximately 2,500 members. There are no official public sector trade unions; however, unionized nurses and teachers make up approximately 30–40 percent of total union membership.

The law provides for the right to strike. However, strikes are rare; the last one took place in 1980.

Unions are free to affiliate internationally. The KTUC is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer unions. The Government does not control or restrict union activities; however, unions must register with the Government. Collective bargaining is provided for under the Industrial Relations Code. The Government sets wages in the large public sector. However, in a few statutory bodies and government-owned companies, employees may negotiate wages and other conditions. In the private sector, individual employees also may negotiate wages with employers. In keeping with tradition, negotiations generally are nonconfrontational. There have been no reports of antiunion discrimination; however, mechanisms exist for resolving complaints were they to arise.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The prohibition does not mention specifically forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Commerce, Industry, and Employment generally enforce these laws effectively, given the rudimentary conditions of the economy. Children rarely are employed outside the traditional economy. Although not prohibited specifically, forced and bonded labor by children is not known to occur (see Section 6.c.).

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There is no minimum wage. There is provision for a minimum wage at ministerial discretion, but it has never been implemented. Income tends to be pooled within the extended family, and the standard income appears adequate to provide a decent standard of living for a worker and family. There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning work force) work 36¼ hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace. For example, employers must provide an adequate supply of clean water for workers and ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. The Government's ability to enforce employment laws is hampered by a lack of qualified personnel. Workers do not have the right to remove themselves from hazardous work sites without risking loss of employment.

There are no laws specifically to protect foreign workers; however, there are no significant numbers of foreign workers and no reports of mistreatment. Some foreign volunteers and missionaries work in the schools.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there have been no reports that persons were trafficked to, from, or within the country; however, some observers believe that trafficking occurs. Nevertheless, there is no specific evidence of trafficking.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA⁴

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il has exercised unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime

⁴The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today.

emphasizes “juche,” a national ideology of self-reliance. The judiciary is not independent.

The Korean People’s Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People’s Security Force. These organizations assist the Ministry of Public Security and the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted in this country of 22 million persons. Industry continued to operate at significantly reduced capacity, reflecting antiquated plant and equipment and severe shortages of inputs. This decline is due in part to the collapse of the former Soviet Union and East European communist governments and the subsequent sharp decline in trade and aid. Efforts at recovery have been hampered by heavy military spending—which amounted to perhaps one-quarter of gross domestic product before the economy went into decline and is probably now larger as a share of national output. The economy also has been held back by a lack of access to commercial lending stemming from the DPRK’s default on its foreign debt, and its inability to obtain loans from international financial institutions. Never food self-sufficient, the country relies on international aid and trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. This is true even when crop production is relatively good, as it was during the year. Since 1995, nearly annual droughts and floods have destroyed crops and ruined agricultural land, and hunger and malnutrition have been widespread. Famine has caused internal dislocation and widespread malnutrition, and an estimated several hundreds of thousands to two million persons died from starvation and related diseases. Economic and political conditions have caused thousands of persons to flee their homes. The Government continued to seek international food aid, produce “alternative foods,” and take other steps to boost production. It has permitted the spread of farmers’ markets to make up for the contraction of food supplied through the public distribution system. Food, clothing, and energy are rationed throughout the country. The U.N.’s World Food Program provides assistance to children and mothers, the elderly, and persons employed in flood damage recovery efforts. The gross national product (GNP) may have grown slightly in 2000 due largely to international aid and limited South Korean investment, but this followed nearly a decade of steady decline in which GNP is estimated to have shrunk by half since 1993. Most foreign observers note improved food and other economic conditions over the last year.

The Government’s human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right peacefully to change their government. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. During the year, the Government entered into a human rights dialogue with the European Union; two meetings were held, but no significant results were reported. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of “crimes against the revolution,” including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing “reactionary” letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work in a similar manner. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens’ movements, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—Defectors and refugees report that the regime executes political prisoners, opponents of the regime, some repatriated defectors, and others (reportedly including military officers suspected of espio-

nage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

Religious and human rights groups outside the country report that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

A South Korean news magazine in December 2000 quoted a defector as stating that the military publicly had executed 19 residents, secretly killed more than 20 persons, and imprisoned 600 more in 1999 in the city of Hyesan, on the border with China. The main targets of the purge were frequent travelers to China and persons addicted to opium.

In August 1998, there were unconfirmed reports that following a March 1998 coup attempt, authorities arrested several thousand members of the armed forces and executed many of them.

In 1998 Agence France-Presse (AFP) reported that among those executed in 1997 were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

The Government does not provide accurate information about the number of executions. For example, government officials told Amnesty International in 1995 that only one or two executions had taken place since 1985. This number is not credible.

b. Disappearance.—The Government reportedly is responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of past government involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. As many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. Following a December 1999 meeting between officials from the Red Cross societies of North Korea and Japan, the Government agreed to conduct an investigation into the fate of the missing Japanese nationals. However, on December 17, the Government announced it was suspending the investigation. In addition several suspected cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. There were unconfirmed reports that North Korean agents kidnaped a South Korean citizen, Reverend Dongshik Kim, in China and took him to North Korea in January 2000. There is credible evidence that North Korea may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there were several other kidnapings in the late 1970's and early 1980's.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by Amnesty International in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism of North Korean human rights violations made by their father, a former prisoner in North Korea, in the Japanese media. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreign nationals, and Amnesty International has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one

case, Amnesty International reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While information on recent practices is sparse, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

The nongovernmental organization (NGO) Human Rights without Frontiers reported refugee accounts that beginning in 2000 prison authorities ordered that newborn babies be put to death, and that a number of babies were killed over the past 2 years. A former North Korean prison guard at a camp reported that guards abused female prisoners sexually.

In 1998 a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours a day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. International NGO's and defector sources contend that whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps reported that starvation and executions are common. In one prison, clothing reportedly was issued only once in 3 years. Amnesty International has reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea report observing prisoners being marched in leg irons, metal collars, or shackles. Amnesty International also has received reports that in some places of detention, prisoners are given little or no food and, when they contract illnesses, are denied medical care. Amnesty International believes that many die of starvation and disease.

A former prison camp inmate who later defected to South Korea told the South Korean press that conditions in prison camps became more difficult as the food crisis worsened in the mid-1990s. With the food ration reduced to 2.6 ounces daily in 1996, 20 percent of the inmates in one camp died. Inmates were forced to find shelter in nearby mountains when authorities destroyed the camp's housing area in 1996 in anticipation of a visit by an international human rights group. The majority of prisoners in the camps were those who had contacted South Koreans, attempted to go to South Korea after defecting to China, those who studied abroad, and members of antigovernment groups.

In 1999 credible witnesses reported that prisoners held on the basis of their religious beliefs repeatedly were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, and the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked severely and left lying on the ground for days, because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

According to an NGO, family members and other concerned persons find it virtually impossible to obtain information on charges against or the length of sentences of detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that the Government detains between 150,000 to 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. The Government denies the existence of such prison camps but admits that there are "education centers" for persons who "commit crimes by mistake."

A defector who had been a ranking official in the Ministry of Public Security stated that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

One credible report lists 1 dozen political prisoner camps and approximately 30 forced labor and labor education camps in the country. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for 1 month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he finally was released. In September 1998, another foreigner of Korean descent was held incommunicado for more than 1 month for an unspecified "violation of law" before being released and expelled from the country.

In March 1999, North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Sung and Kim Jong Il, who defected to South Korea that year, were either under house arrest or incarcerated in political prisons. However, visiting foreigners have seen some members of his family.

The Government is not known to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans are treated extremely well, there also are reports that other persons with physical disabilities and those judged to be politically unreliable have been sent to internal exile. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses," and united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial.—The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers prisoners to the Ministry of State Security for punishment.

The Constitution contains elaborate procedural protections, and it states that cases should be heard in public and that the accused has the right to a defense; under some circumstances hearings may be closed to the public as stipulated by law. When trials are held, the Government apparently assigns lawyers. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that political offenses have in the past included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970's, the 10 Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a political criminal and punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and if local party officials find the family has neglected its photos, the punishment is to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He was then imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While Amnesty International has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities stated the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners

in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as more persons had begun to complain more openly about the failure of the Government's economic policies.

According to press reports, in late December the Government announced its intention, effective January 1, 2002, to amnesty a number of persons sentenced to labor or reeducation for committing crimes against the state. The amnesty, the country's first in more than 20 years, reportedly is to mark the birthday of Kim Il Sung. It was not specified how many persons were to be amnestied or what crimes were covered by the amnesty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once per month, and if the inspectors find a family has neglected its photos, the punishment is to write self-criticism throughout an entire year (see Section 1.e.).

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation although some international service is available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the *juche* idea." The authorities emphasize that the core concept of *juche* is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, *juche* is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and is used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, *juche* is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime, therefore, claims a social interest in identifying and isolating all opposition.

Since the late 1950's the regime has divided society into three main classes: "core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners are no longer automatically barred from higher education—it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the Government's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially

hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class still are subject to discrimination, although defectors report that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official *juche* ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination repeatedly is stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also has called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of persons. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October 2000, similar celebrations of the 55th anniversary of the KWP reportedly involved upwards of 1 million persons. According to news reports, hundreds of thousands of citizens were mobilized to greet and perform for China's President, Jiang Zemin, when he visited North Korea in September.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. The regime only permits activities that support its objectives.

The Government strictly curtails freedom of speech. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." There have been reports that persons have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical of the regime. Amnesty International reports that a family formerly resident in Japan was sent to a "reeducation-through-labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. Claiming that the country is under continuing threat of armed aggression, the Government carefully manages the visits of foreign journalists. On occasion, when it serves its agenda, the Government allows foreign media to cover some events. A Russian news agency interviewed Kim Jong Il in July, and a large international press group accompanied a European Union (EU) delegation that visited in May. Members of the press group reportedly were allowed to visit a school and to talk to some ordinary persons. During the June 2000 inter-Korean summit, and during the October 2000 visit of the U.S. Secretary of State, groups of foreign journalists were permitted to accompany official delegations and to file reports, although under strict state monitoring. Also, the presidents of 46 South Korean newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country in August 2000 and met with Kim Jong Il. The regime has allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. Although more foreign journalists have been allowed into the country, the Government still maintains strict control over the movements of foreign visitors. For example, journalists accompanying the U.S. Secretary of State were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay (see Section 2.d.). Domestic media censorship is enforced strictly, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. CNN television broadcasts are available in a Pyongyang hotel frequented by foreigners. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the

country. International phone lines are available under very restricted circumstances. According to a press report, there may be very limited Internet access in the country for government officials; an Internet service provider based in China has begun e-mail service that may link to an Intranet used by senior officials.

Late in 1997, the Government published threats against the South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial; the second in reaction to a television drama about life in North Korea. The DPRK defended having made the threat and reiterated its criticism of the newspaper during the summer of 2000.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il. The Government reportedly has reached an agreement with a foreign NGO to allow the establishment of a university to be run jointly by the Government and the NGO. The university would be the first semiprivate educational institution in the country.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion.—The Constitution provides for “freedom of religious belief;” however, in practice the Government discourages organized religious activity except that which is supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion “should not be used for purposes of dragging in foreign powers or endangering public security.”

Although in the past the Government has branded religiously active persons as “counterrevolutionaries” and killed or imprisoned them, in more recent times, it has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some are genuinely religious but note that others appear to know little about religious dogma, liturgy, or teaching. A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for “the right to build buildings for religious use.”

The number of religious believers is unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. There also are an undetermined number of persons belonging to underground Christian churches. In addition, the Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, still is in existence. There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector.

There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. It is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July 2000 as stating that while there were 50 priests in the country in the 1940's, it is not known if they are still alive today. Hundreds of religious figures have visited the country in recent years, including papal representatives and religious delegations from South Korea, the U.S., and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis. Although some foreigners who have visited the country over the years state that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims that there are more than 500 authorized “house churches.”

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appears to have cracked down on unauthorized religious groups in re-

cent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China. The Government appears concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with China becoming entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in the KWP newspaper in 1999 criticized “imperialists and reactionaries” for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within. South Korean law requires all parties, including religious groups, traveling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that a dozen Christians have been executed since January 1999. According to another unconfirmed report, 23 Christians were executed between October 1999 and April 2000; some reportedly were executed under falsified criminal charges, and some reportedly were tortured prior to their executions. Seven Christian men, ranging in age from 15 to 58 years, were killed in April 2000, according to an unconfirmed report. A religious NGO quoted an unnamed South Korean pastor’s claims that 400 Christians were executed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

Little is known about the actual life of religious persons in the country. Members of government-recognized religious groups do not appear to suffer discrimination; in fact, some reports claim they have been mobilized by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the midlevels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified before the U.S. Congress on the treatment of persons held in prison camps through the early 1990’s. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates were. One witness, a former prison guard, testified that those believing in God were regarded as insane, as the authorities taught that “all religions are opiates” (see Section 1.c.). He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because of the effectiveness of the Government in barring outside observers, such allegations could not be substantiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the Constitution provides for the “freedom to reside in or travel to any place,” the Government does not respect these rights in practice. In the past, the regime has controlled strictly internal travel, requiring a travel pass for any movement outside one’s home village. These passes were granted only for official travel or attendance at a relative’s wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased significantly. Due to the worsening food conditions in the country, the Government at times has taken a benign approach to those who violate internal travel rules, allowing citizens to leave their villages to search for food, and there are reports of large-scale movement of persons across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

The regime issues exit visas for foreign travel only to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. Following the collapse of European communism, the regime recalled several thousand students from overseas, but recently has again allowed small numbers of students to study abroad. In recent years, there have been numerous reports of a steady increase in North Korean migrants arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates against the relatives of some of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Nonetheless, in recent years substantial numbers of persons have fled to neighboring countries in search of food. Many return after securing food. However, there have been unconfirmed reports that some would-be refugees who have been involuntarily returned have been executed (see Section 1.a.). Reports of increased deportations of North Koreans from China may have resulted from China's recent "Strike-Hard" anti-crime campaign. Some migrants have stated that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China, although some border crossings for family visits and trade are permitted.

The Chinese Government states that there are only a few hundred North Koreans in China, others estimate that there are at least tens of thousands and perhaps hundreds of thousands. Most have crossed the border clandestinely in small groups to seek food, shelter, and work. In June a family of seven North Koreans that sought refuge in the U.N. High Commissioner for Refugee's (UNHCR) Beijing office were subsequently permitted to leave China for South Korea; according to Amnesty International, the whereabouts of five North Koreans who arrived in China with the family but were forcibly returned to North Korea are unknown. In January 2000, China returned to the DPRK seven persons who had been granted refugee status by the UNHCR in Russia in December 1999 but were forced back into China. How the DPRK authorities dealt with the seven is unknown.

Amnesty International has reported serious human rights abuses involving North Korean workers and refugees living in Russia. There are about 6,000 DPRK workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction; these workers were selected by the Government to work in Russia. Conditions in these camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

Other North Koreans in Russia include those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a secret protocol, the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Koreans have been engaged in business in the Russian Far East.

Many North Koreans in Russia face severe hardship due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. Many, however, have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Governments held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK Government agreed to allow some Japanese wives resident in the DPRK to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for 1 week in January and February 1998.

However, in June 1999 the DPRK Government cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK Government restarted normalization talks in April 2000. A group of 16 Japanese wives visited Japan from September 12 to 16, 2000; however, no visits took place during the year.

Although the Government has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. In August and December 2000, and in February 2001, the DPRK and the Republic of Korea sent delegations of members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were not allowed to be discussed. A fourth reunion was scheduled for October; however, the Government cancelled the meetings citing South Korea's nation-wide security alert issued following the September 11 terrorism attacks in the U.S. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although more foreign journalists, diplomats, and representatives of humanitarian organizations have been allowed into the country, the Government still maintains the strictest control over the movements of foreign visitors. For example, journalists accompanying the U.S. Secretary of State in 2000 were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay (see Section 2.a.). In August the Government allowed over 300 South Korean citizens to visit the country to participate in Liberation Day festivities; this was reportedly the largest South Korean delegation ever to visit the country.

Reports, primarily from refugees, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable.

Although a member of the United Nations, the country does not participate in international refugee forums, and it is not in contact with the UNHCR. There is no known policy or provision for refugees, asylees, or first asylum.

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

Citizens have no right or mechanisms to change their leadership or government peacefully. The political system is dominated completely by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days per year, serves only to rubber-stamp resolutions presented to it by the party leadership. In 1997 Kim Jong Il acceded to the position of General Secretary of the KWP. In 1998 the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the country's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the SPA.

In an effort to give the appearance of democracy, the Government has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the SPA. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and the regime has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the SPA and to provincial, city, and county assemblies are held irregularly. In 1998 SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members work to implement decrees formulated by the Party's small elite.

The percentage of women in government and politics does not correspond to their percentage of the population. Women reportedly make up 20 percent of the membership of the SPA, but only about 4 percent of the membership of the Central Committee of the KWP.

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

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although

a North Korean Human Rights Committee was established in 1992, it denied the existence of any human rights violations in the country. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase the ability of international human rights organizations to enter into two-way communication with the regime.

Although the World Food Program (WFP) has been given access to most counties in North Korea, it has been excluded from several dozen. The Government has allowed the WFP slightly more access than in the past to visit institutions receiving food aid and has permitted the agency to conduct additional surveys. In September the Government permitted Japanese officials to observe the distribution of Japanese-donated rice for a few days. Foreign aid workers and aid workers from international organizations, who provide substantial food aid, frequently are denied access to sites where this food is distributed, and thus are unable consistently to verify that the aid reaches its intended recipients. Many foreign NGO's report being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There have been reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay a large fine to obtain their release.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of slandering the Government's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights." In July a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

In 1996 a delegation from Amnesty International visited the country and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations, and none are known to have visited. The Government has reestablished diplomatic ties with a number of countries that have sought to engage it on human rights. Following a high-level EU delegation visit to Pyongyang in May, government officials discussed human rights with EU representatives in June; no significant progress resulted. The DPRK participants in the talks told the EU that the Government had ratified all U.N. human rights instruments except those on torture and racial discrimination, which were "being examined."

In August 1997, the U.N. Subcommittee on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the Government for its human rights practices. The DPRK Government subsequently announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee re-adopted a resolution urging the DPRK Government to improve its human rights record. In 2000 and during the year, the Government submitted reports on human rights to the U.N. Human Rights Committee after failing to submit such reports for 16 years.

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

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women.—There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

Children.—Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. However, some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classifica-

tion system and the principle of “collective retribution” for the transgressions of their parents (see Section 1.f.).

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes are sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

According to the WFP, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. A nutrition survey carried out by UNICEF and the WFP in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In 1997 a senior UNICEF official said that approximately 80,000 children in North Korea were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

In practice children do not enjoy any more civil liberties than adults. In June 1998, the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the Government, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the Government’s strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention. The UNCRC also expressed concern over de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, the NGO’s Doctors Without Borders (DWB) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. DWB officials stated that they had evidence that orphaned and homeless children had been gathered into so-called “9–27 camps.” These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to “normalize” the country. Refugees who have escaped from the 9–27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Sections 6.c. and 6.f.).

Persons with Disabilities.—Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities almost never are seen within the city limits of Pyongyang, and several defectors and other former residents report that persons with disabilities are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities. In a 1998 statement, the UNCRC criticized “de facto discrimination” in the country against children with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic “Stalinist model,” with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

The country is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

There is one free enterprise zone (FEZ) in the Rajin-Songbon area. However, there are no reports of special hiring and other labor practices in the FEZ, and it is be-

lieved that workers in the FEZ are carefully screened and selected. The Korean Peninsula Energy Development Organization negotiated a separate protocol and service contracts for workers at the site of its light water reactor project. The government agency, which supplied the labor to KEDO, bargained effectively on the workers behalf (see Section 6.e.).

c. Prohibition of Forced or Compulsory Labor.—In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or compulsory labor. However, the Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. “Reformatory labor” and “reeducation through labor” are common punishments for political offenses. Amnesty International reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

The Constitution requires that all citizens of working age must work in full compliance with working discipline and working hours. The Penal Code provides for the death penalty for any individual who hinders the nation’s industry, trade, or the transport system by purposely failing to fulfill a specific duty. It also states that anyone failing to carry out an assigned task properly is subject to at least 5 years in prison (see Section 6.e.).

There are reports of the trafficking of women and young girls among citizens crossing the border into China. Many become brides, but some work in the sex industry. Many reportedly are held as virtual prisoners (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Constitution, the State prohibits work by children under the age of 16 years. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

There are reports of trafficking in young girls among citizens crossing into China, some to become brides and others forced to work in the sex industry (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—No data is available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in the FEZ is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FEZ the minimum wage is reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and “strictly observe labor discipline and working hours.” The Penal Code states that anyone who hampers the nation’s industry, commerce, or transportation by intentionally failing to carry out a specific assignment “while pretending to be functioning normally” is subject to the death penalty; it also states that anyone who “shoddily carries out” an assigned duty is subject to no less than 5 years’ imprisonment (see Section 6.c.).

Even persistent tardiness may be defined as “anti-Socialist wrecking” under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A government official described the labor force to an audience of foreign business executives by noting that “there are no riots, no strikes, and no differences of opinion” with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily when factories are operating. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a “right to rest,” including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial acci-

dents is high. It is believed that workers do not have the right to remove themselves from hazardous working conditions without jeopardizing their employment.

f. Trafficking in Persons.—There are no known laws specifically addressing the problem of trafficking in persons. There have been reports of trafficking in women and young girls among citizens crossing the border into China. Some were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking. Many such women, unable to speak Chinese, are held as virtual prisoners. Many end up working as prostitutes (see Sections 5 and 6.c.).

REPUBLIC OF KOREA

The Republic of Korea is governed by a directly elected president and a unicameral legislature. Kim Dae-jung was elected President in a free and fair election in December 1997 and was inaugurated in February 1998. The next presidential election is scheduled to be held on December 19, 2002. A free and fair National Assembly election was held in April 2000. The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence; however, several scandals in 1999 involving alleged illegal influence peddling and cronyism have damaged the image of prosecutors and judges. Allegations of malfeasance by the Prosecutor's Office surfaced late in the year.

Responsibility for maintaining internal security lies with the National Intelligence Service (NIS—formerly known as the National Security Planning Agency), the National Police Administration (NPA—formerly known as the Korean National Police), and the Defense Security Command (DSC). Legislation passed in 1993 bars the NIS and the DSC from involvement in domestic politics and grants the NIS investigative authority only in cases involving terrorism, espionage, and international crime organizations. The Government revised this law in 1996 to allow the NIS to investigate members of domestic organizations that are viewed as supporting the government of the Democratic People's Republic of Korea (North Korea). Some members of the police were responsible for occasional human rights abuses.

Following a sharp rebound in 1999 from an unprecedented financial and economic crisis, the country's economy grew by 8.8 percent in 2000, but growth declined to 2.5 percent during the year. The Government continued its reform program, with more progress made in reforming the financial and corporate sectors than in the labor market and public sectors. Unemployment remained under 5 percent. However, the country's economic growth was dependent on key export products, and weakness in the financial system left the economy susceptible to unpredictable external conditions. The country's population was 47,000,000.

The Government generally respects the human rights of its citizens; however, problems remain in some areas, despite some improvements. The police at times physically and verbally abused detainees, although human rights groups report that the number of such cases continued to decline. Under the Social Surveillance Law, some released prisoners still are required to report to the police when moving or traveling. The use or threatened use of the National Security Law (NSL) continued to infringe upon citizen's civil liberties, including the right to free expression. For the first time, a foreign citizen was convicted under the NSL. Domestic violence, rape, and child abuse remained serious problems, and there was insufficient legal redress for dealing with them. Women continued to face legal and societal discrimination. Ethnic minorities, very small in number, face legal and societal discrimination. Trafficking in persons was a problem; the country is considered a major transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude. President Kim stated repeatedly that promoting the rights of women was a priority goal. As part of this effort, the Ministry of Gender Equality was established in January to deal with issues including women's rights, violence against women, and discrimination against women. In April the Government created a National Human Rights Commission to investigate allegations of rights violations. Another commission set up by the Government to investigate the arrests and deaths of prodemocracy activists under previous military-backed governments made its first determination of a case of extrajudicial killing.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

To investigate and redress complaints that officials of past military governments had tortured and killed prodemocracy activists, the Government enacted the Special Act on the Investigation of Suspicious Deaths. As a result of this legislation, in August 2000 a nine-person panel was commissioned to review cases such as the 1960 student uprising and the 1980 Kwangju civil uprising, and shed light on the circumstances surrounding the arrests and deaths of prodemocracy activists. The Commission reviewed 83 cases, and in June it determined the 1984 death of Park Young Doo in Chungsonng Prison to be a case of extrajudicial killing. In September it revealed that the 1979 death of Kwangju University student Kim Joon Bae was caused by a police beating; the Commission is reviewing the possibility of charging the responsible officer.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the mistreatment of suspects; the Government has ordered investigating authorities to protect the human rights of suspects; and allegations of abuse by authorities of those in custody for questioning continued to decline. Nonetheless police sometimes abused persons in custody. Prosecutors continued to place emphasis on securing convictions through confessions. This focus is driven by cultural factors, with confession viewed as a necessary basis for the reform and rehabilitation of convicted defendants. While the Supreme Court has ruled that confessions obtained after suspects have been deprived of sleep during an interrogation cannot be used in court, police sometimes questioned suspects throughout the night. Credible sources also reported that in some cases police verbally or physically abused suspects, including beatings, threats, and sexual intimidation in the course of arrest and police interrogation. However, human rights groups report that the number of such cases continued to decline. In 1999 the Ministry of Justice (MOJ) announced that criminal suspects, who previously had been required to wear prison garb in court, would be allowed to wear street clothes until proven guilty.

In April and June, police used force to break up demonstrations, some of which had turned violent. In a demonstration at a Daewoo factory in April, 40 demonstrators and 55 police officers were injured. The President later expressed deep regret for the excessive use of force by police in this incident. On February 19, during a previous demonstration at the Daewoo factory, the police intervened at the request of Daewoo management to prevent further destruction of company property. Arrests were made, and numerous Daewoo workers and policemen were injured.

In the past, police and security officials who abused or harassed suspects rarely were punished. However, in recent years, under the National Public Service Law and criminal law, a number of police and security officials accused of abuse or harassment have been punished or disciplined through demotion, pay cuts, and dismissal.

To investigate and redress the complaints of former detainees who claimed that officials of past military-backed governments tortured them or inflicted excessive punishments, the Government in May 2000 enacted the Special Act on the Investigation of Suspicious Deaths and the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement. In 2000 a panel was commissioned to review cases. In September the Commission found that the 1979 death of Kim Joon Bae was the result of a beating by the police (see Section 1.a.). The Commission also was reviewing over 2,000 cases related to restoring the honor of democracy activists and compensating them for past sufferings.

Prison conditions are Spartan, but generally meet international standards. Prison diets are adequate, but the facilities offer little protection against cold in the winter and heat in the summer. Some prisoners claim that these conditions damaged their health and that medical care was inadequate. Inmates occasionally criticized guards for using excessive force or needlessly putting prisoners in manacles.

The Government has installed heating and sanitary systems in 43 prisons and hopes to install such systems, including cooling systems, in all prisons by 2003. In 1999 the Government instituted traveling clinic teams and equipped prison clinics with X-ray machines.

Inmate access to reading materials, telephones, and television broadcasts improved significantly in recent years. Education in computers and foreign languages, occupational training programs, and an Inmate Employment Center help inmates prepare to resume normal lives. Prisoners are allowed to receive three or four visitors four times per month. Model prisoners who have served more than one-third of their sentences are allowed unsupervised meetings with visitors and are exempt from mail censorship. Some are eligible for overnight leave. Pregnant inmates receive special treatment, including supplementary food, for the full term of their pregnancies and for an additional 6 months after giving birth. Pregnant inmates also receive prenatal care for the full term of their pregnancies. Female inmates

may not be searched by male prison guards without the prior consent of the prison warden, and a female guard must be present during the search.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden. Among the mandates of the newly established National Human Rights Commission are the inspection of prisons and recommendations for improvement of conditions.

d. Arbitrary Arrest, Detention, or Exile.—Laws regarding arrest and detention often are vague, and prosecutors have wide latitude to interpret them. For example, the National Security Law (NSL) defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea, and therefore deemed dangerous to the country. Specifically, the NSL permits the imprisonment for up to 7 years of anyone who “with the knowledge that he might endanger the existence or security of the State or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization.” The legal standard for knowing that one might endanger the security of the State is vague. Consequently, in addition to those arrested on suspicion of spying for North Korea, a number of persons have been arrested for what appeared to be the peaceful expression of opposing views that the Government considered pro-North Korean or antistate. Among those arrested under the NSL are those who praised North Korea, its former leader Kim Il Sung, or North Korea’s “self-reliance” or “juche” philosophy.

In February a foreign citizen was arrested and charged with violating the NSL. Involvement in publishing a book on North Korean leader Kim Jong Il’s reunification strategy, contact with allegedly pro-North Korean figures abroad, actions allegedly carried out overseas, and travel to North Korea formed the basis for prosecution. In July he was convicted of violating NSL Articles 7 (praising or promoting an antigovernment organization) and 6 (escaping from Korea to receive instruction from an antistate organization and infiltrating into Korea in order to carry out an objective). He was sentenced by the Seoul District Court to 3 years’ imprisonment, with the sentence suspended. In August 16 members of a group who went to Pyongyang as a delegation to an inter-Korean Independence Day Festival allegedly broke a pledge not to engage in political activities. They were arrested for violating the NSL after they attended a rally at a monument dedicated to Kim Il Sung, the former leader of North Korea, and allegedly supported the North Korean unification policy.

The U.N. Human Rights Committee has termed the NSL “a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights.” President Kim Dae-jung, who himself was arrested and sentenced to death under the NSL, acknowledged that the law has “problematic areas,” and announced his intent to pursue major revisions, especially in light of improvements in relations between North and South Korea since the June 2000 North-South summit. Debate in the National Assembly on revising the NSL is ongoing. According to MOJ data, as of August, 86 persons had been arrested for violating the NSL, compared to the 154 persons arrested in the corresponding period in 2000. By year’s end, 52 persons remained in custody for violating the NSL.

The Government’s rationale for retaining the NSL has been that North Korea actively is trying to subvert the Government and society and that due to this special circumstance, some forms of expression must be limited to block the greater danger to freedom and democracy posed by North Korean totalitarianism. The effect sometimes is to relieve the Government of the burden of proof in a court of law that any particular speech or action in fact threatens the nation’s security. For example, although the Government continues to seek to expand North-South exchanges and cooperation, in the past citizens have been prosecuted for unauthorized travel to North Korea (see Section 2.d.).

The Criminal Code requires warrants to be issued by judges in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act, or if a judge is not available and the authorities believe that a suspect may destroy evidence or escape capture if not quickly arrested. In such emergency cases, judges must issue arrest warrants within 48 hours after apprehension, or, if a court is not located in the same county, within 72 hours. Police may detain suspects who appear voluntarily for questioning for up to 6 hours but must notify the suspects’ families. The police generally respected these requirements.

Authorities normally must release suspects after 30 days unless an indictment is issued. Consequently detainees are a relatively small percentage of the total prison population.

The Constitution provides for the right to representation by an attorney, and in 1999 the National Police Agency announced that it would enforce a suspect’s right

to have a lawyer present during police interrogation. The Ministry of Justice announced in May 2000 that all prosecutors' offices had installed rooms where suspects could consult with their lawyers. Starting in 2000, individual police stations employed lawyers as legal advisors to aid in examining relevant legal clauses in charging suspects. There were no reports of access to legal counsel being denied. There is a bail system, but human rights lawyers say that bail generally is not granted when detainees are charged with committing serious offenses, when they may attempt to flee or harm a previous victim, or when they have no fixed address. However, in August as part of a massive tax and trade law investigation, judges allowed prosecutors to arrest the president of the newspaper Chosun-Ilbo, Bang Sang-hoon, the former honorary chairman of the newspaper Dong-A-Ilbo, Kim Byung-kwan, and the former president of the newspaper Kookmin Ilbo, Cho Hee-joon, stating that they might flee or destroy evidence if allowed to remain free (see Section 2.a.). The prominent media figures as a courtesy were given individual cells. On October 27, Kim Byung-kwan was released from prison due to ill health. On November 6, Bang Sang-hoon was released, and on November 7 Cho Hee Jun was released. At year's end, the trials of all three remained pending.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence. The Prosecutor's Office, which is under the jurisdiction of the MOJ, has been accused of influence peddling and cronyism, and the independence of the Prosecutor's Office (especially in cases involving government officials or political figures) is often called into question by the media and the political opposition. In late 2000, the opposition in the National Assembly alleged that the Prosecutor General and his deputy attempted to cover up lobbying activities by wives of high government officials. The President appoints the Chief Justice and most justices of the Constitutional Court. Although judges do not receive life appointments, they cannot be fired or transferred for political reasons. In June a court ruled that two members of the National Assembly must lose their seats for election law violations. Additional legislators of various parties are awaiting trial on similar charges. In July judges rejected prosecutors' request for arrest warrants for two of a group of five newspaper owners and executives (see Sections 1.d. and 2.a.).

Local courts are presided over by judges who render verdicts in all cases. There is no trial by jury. Defendants can appeal a verdict to a district appeals court and to the Supreme Court. Constitutional challenges can be taken to the Constitutional Court.

The Constitution provides defendants with a number of rights in criminal trials including the presumption of innocence, protection against self-incrimination, freedom from retroactive laws and double jeopardy, the right to a speedy trial, and the right of appeal. When a person is detained physically, the initial trial must be completed within 6 months of arrest. These rights generally are observed. Trials are open to the public, but the judge may restrict attendance if he believes spectators may seek to disrupt the proceedings.

Judges generally allow considerable scope for examination of witnesses by both the prosecution and defense. Cases involving national security and criminal matters are tried by the same courts. Although convictions rarely are overturned, appeals often result in reduced sentences. Death sentences are appealed automatically.

Human rights groups believe that many dissidents tried by past military governments during the 1970's and 1980's were sentenced to long prison terms on false charges of spying for North Korea. These persons reportedly were held incommunicado for up to 60 days after their arrest, subjected to extreme forms of torture, forced to make "confessions," and convicted after trials that did not conform to international standards for a fair trial. To investigate and redress complaints that officials of past military governments tortured former detainees, in 2000 the Government enacted the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movements (see Section 1.c.). In 1998 the Government repealed the system by which "ideological prisoners" had to renounce their real or alleged beliefs and instituted a system by which prisoners had to sign a written promise to obey the law and pledge to recognize the Republic of Korea in order to be released from prison. Although the new system was a significant step for the Government, human rights groups criticized the requirement of a promise to obey the law, including the NSL, as tantamount to forcing citizens to renounce their beliefs. However, on the occasion of a special presidential amnesty in March 1999, 17 long-term, unconverted prisoners (persons who had refused to renounce allegiance to the DPRK and Communist beliefs), were released without having to renounce their beliefs or sign an oath of obedience. Included among these was U Yong-gak, who had served 41 years in prison following his conviction on espionage charges.

However, released prisoners were required to report their activities regularly to the police. In September 2000, 63 North Korean spies, who had been released from South Korean prisons, were allowed to return to North Korea per their wishes. According to the Ministry of Justice, no long-term, unconverted prisoners remain incarcerated.

It is difficult to estimate the number of political prisoners because it is not clear whether particular persons were arrested for merely exercising the rights of free speech or association or were detained for committing acts of violence or espionage. Some human rights monitors reported that 284 persons (including 71 arrested for NSL violations) were political prisoners, with 179 still imprisoned after July. However, these monitors' definition of a political prisoner often includes all persons imprisoned for politically motivated acts, including violations of the NSL, of the Assembly of Demonstration Act, and of the Trade Union Act, and for violence or interference with official duties in the course of demonstrations or strikes. The number of political prisoners and detainees as defined by international standards appears to number under 200.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In general the Government respects the integrity of the home and family. In the past, the security services conducted varying degrees of surveillance, including wiretaps of political dissidents. The Antiwiretap Law and the law to reform the NIS (formerly known as the National Security Planning Agency) were designed to curb government surveillance of civilians and largely appear to have succeeded. The Antiwiretap Law lays out broad conditions under which the monitoring of telephone calls, mail, and other forms of communication are legal. It requires government officials to secure a judge's permission before placing wiretaps, or, in the event of an emergency, soon after placing them, and it provides for jail terms for persons who violate this law. Revisions of the law intended to protect privacy more strictly have been submitted to the National Assembly and are under discussion. There is as yet no consensus on whether those monitored should be subsequently informed after the wiretap is discontinued, on the scope and type of crimes which require wiretapping as part of an investigation, and on the legal procedure required by investigating authorities to gain access to telephone records. Some human rights groups argue that a considerable amount of illegal wiretapping, shadowing, and surveillance photography still occurs, and they assert that the lack of an independent body to investigate whether police have employed illegal wiretaps hinders the effectiveness of the Antiwiretap Law.

Several opposition legislators have alleged that they are under surveillance by the Government and that their homes, offices, and cellular telephones are tapped. They have called for either tightening or abolishing a provision in the existing law that allows government officials to obtain retroactive judicial permission to monitor a conversation (especially a cellular telephone call) in the event of an emergency.

The Government continued to require released political prisoners to report regularly to the police under the Social Surveillance Law.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in North Korea if the Government determines that they are doing so to help North Korea. However, in 1999 the Government legalized the viewing of North Korean satellite telecasts in private homes. The Government also allows the personal perusal of North Korean books, music, television programs, and movies as a means to promote understanding and reconciliation with North Korea.

Student groups make credible claims that government informants are posted on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While most political discourse is unrestricted, under the NSL the Government limits the expression of ideas that authorities consider Communist or pro-North Korean. Broad interpretations of the NSL allow for restrictions on peaceful dissent. The President continued to urge that areas of the NSL be revised to protect human rights and make the law conducive to North-South détente. The National Assembly frequently debates revision of the NSL.

Although the Government abandoned direct control over the news media, it continues to exercise indirect influence, and government officials vigorously lobby reporters and editors. During the year the Government conducted a massive tax and trade law investigation of major media firms, prompting criticism and suspicion that it was attempting to curb media criticism of the Government. The Government's response was that the tax audit was a legitimate activity and long overdue, although some government officials also mentioned the need to use the tax investigation to reform the media. Hundreds of auditors from the Tax Office, representing nearly half of the corps of auditors, spent 130 days examining the records of 23 news-

papers; the audit ultimately resulted in the indictment and arrest of owners or major shareholders of three newspapers, two of which, the Chosun Ilbo and the Dong-Ah Ilbo, are the largest in the country and are viewed as among the more critical of President Kim's policies. However, even though the companies faced penalties of \$398 million, and their owners were awaiting trial for tax evasion and embezzlement, the papers continued to criticize the Government. In September the International Press Institute and the World Association of Newspapers placed the country on a media watch list and concluded that the Government was harassing the independent media. They expressed concern that the latent threats of tax investigations against companies and pressure on advertisers could induce newspapers and broadcasters to self-censor criticism of the Government. However, in the same month the International Federation of Journalists stated that the tax probe had nothing to do with freedom of the press and that there was no evidence that freedom of the press was being suppressed.

The state-owned radio and television network maintains a considerable degree of editorial independence in its news coverage. One private television network has been accused of slanting its coverage of the media tax probe to support the Government.

Journalists allege that libel laws are used to harass publishers for articles that are unflattering but not necessarily untrue, and in the past some journalists have been arrested and jailed for libel.

Prosecutors continued to indict dissidents under the NSL for producing, selling, or distributing pro-North Korean or pro-Communist materials. Court precedents allow citizens to possess these kinds of publications for purely academic use, profit, or curiosity, but not with the intent of subverting the Government. Prosecutors have wide discretion in determining motives for possessing or publishing such materials.

There is wide reporting on North Korea and North-South issues in the media.

The Government Censorship Board, which screens movies for sex and violence, has followed more liberal guidelines in recent years and allowed the release of a broader range of films.

The Government blocks violent and sexually explicit Web sites, and requires site operators to rate their site as harmful or not harmful to youth. Some homosexual groups have charged that the Government acts discriminatorily in blocking their Web sites.

The Government respected academic freedom. However, student groups credibly claim that government informants are posted on university campuses.

b. Freedom of Peaceful Assembly and Association.—The Law on Assembly and Demonstrations prohibits assemblies that are considered likely to undermine public order. The law requires that the police be notified in advance of demonstrations of all types, including political rallies, and the police must notify organizers if they consider the event impermissible under this law.

During demonstrations at a Daewoo automobile factory in April and in labor-related protest marches in June, police and demonstrators clashed. In the Daewoo incident, dozens of police and striking workers were injured, and two police chiefs subsequently were suspended and transferred. In April the President expressed deep regret for the use of excessive force by the police. In February during an earlier demonstration at the Daewoo factory, the police intervened at the request of Daewoo management, arrests were made, and numerous Daewoo workers and policemen were injured.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Associations operate freely, except those deemed by the Government to be seeking to overthrow the Government.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Most citizens can move freely throughout the country; however, police may restrict the movements of some former prisoners. Foreign travel generally is unrestricted; however, the Government must approve travel to North Korea. To obtain approval, potential visitors must demonstrate that their trip does not have a political purpose—that is, to praise North Korea or criticize the South Korean Government. During the year, the Government continued to promote the expansion of North-South government, economic, cultural, and tourism-related contacts. However, travelers to North Korea who do not receive government permission are likely to be arrested upon their return.

In the past, the Government forbade some citizens convicted of politically related crimes from returning to the country, and some citizens still face sanctions if they return.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers. However, procedures for receiving and adjudicating asylum applications do not always appear to be in keeping with either the letter or the spirit of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The UNHCR reported the forced return of three persons to countries where they claimed to fear prosecution; each of these persons had an active asylum application being reviewed by the Government, and were deported without the knowledge of or contact with the UNHCR.

As of December, of 117 applicants decisions were made in 6 cases and 1 was granted asylum, during the year. Of 46 cases pending at the end of 2000, decisions were made in 5 cases during the year.

The Government handling of asylum applications was slow, and rejections of asylum seekers' applications greatly outnumber acceptances; however, since 1999 the Government has taken a more flexible approach toward cases under review by the UNHCR and has suspended temporarily exit orders for these individuals. It also has shown flexibility toward persons whose applications were rejected in the government review process, but whom the UNHCR found met the definition of refugee. In June 2000, the Seoul District Court held that the Immigration Office had exceeded its authority by refusing to accept an asylum seeker's application based on an initial assessment of the claim.

The Government extends the right to work to refugees, but does not provide any social assistance to either refugees or asylum seekers. Asylum seekers are given 90-day extensions of their temporary stay permits while their applications are under review and legally are not able to work during this period. In practice most asylum seekers enter the labor market, as do other undocumented foreign workers.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the direct election of the President and, in the past, was interpreted to provide for a mixed system of direct and proportional election of legislators to the unicameral National Assembly. However, the system of proportional election was declared unconstitutional by the Constitutional Court during the year; future legislators are to be elected directly. The President serves a single 5-year term and may not be reelected. The National Assembly members serve terms of 4 years. All citizens 20 years of age or older have the right to vote, and elections are held by secret ballot.

The percentage of women in government or politics does not correspond to their percentage of the population. Because of cultural traditions and discrimination, women occupy few important positions in government, although this is slowly changing. There were two women in the Cabinet, the Minister of Environment and the Minister of Gender Equality. In the April 2000 National Assembly election, 16 female legislators were elected to the 273-seat National Assembly. One of them chairs a special committee on women's affairs.

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

Many domestic nongovernmental organizations (NGO's) are active in promoting human rights, and they generally operate without government restriction. Chief among these groups are the Lawyers for a Democratic Society, Sarangbang, the Human Rights Committee of the National Council of Churches in Korea, the Korean Bar Association, People's Solidarity for Participatory Democracy, and "Mingahyup," an association of the families of political prisoners. These groups publish reports on human rights and make their views known both inside and outside the country. Government officials generally have been willing to meet with international human rights groups.

During the year, the President established the National Human Rights Commission, per legislation passed by the National Assembly in April. The Commission is to monitor and investigate human rights violations and complaints of discrimination, including during interrogations and in correctional facilities. However, the Commission had not begun investigating complaints because the required presidential decrees concerning operational, structural, and staffing matters had not been written by year's end. Members of the Human Rights Commission will not be

present at interrogations. Members may visit those who have been arrested and are in custody and may visit prisons and correctional institutions.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden.

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

The Constitution and law forbid discrimination on the basis of race, sex, religion, disability, or social status, and the Government respects these provisions. However, traditional attitudes limit opportunities for women and the disabled. Ethnic minorities are very small in number and face both legal and societal discrimination.

Women.—Violence against women remained a problem, and some women's rights groups maintain that such violence, including spousal abuse, has worsened with the 1997 to 1998 decline of the economy. The Ministry of Gender Equality, established during the year to oversee issues related to women's rights and welfare, indicated that the number of cases of spousal abuse appears to be increasing because more women are coming forward to report abuse. The Prevention of Domestic Violence and Victim Protection Act defines domestic violence as a serious crime. Authorities can order offenders to stay away from victims for up to 6 months and to be put on probation or to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence. Women's groups praised the law as a significant step in combating domestic violence.

Rape remained a serious problem. As of October, 4,586 cases of rape had been reported, and 2,895 of the cases were prosecuted. Many rapes go unreported because of the stigma associated with being raped. The activities of a number of women's groups have increased awareness of the importance of reporting and prosecuting rapes, as well as of offenses such as sexual harassment in the workplace. The Prosecutor's office announced plans for a new system under which female prosecutors would take charge of all sex and family violence cases involving women. According to women's rights groups, cases involving sexual harassment or rape frequently go unprosecuted, and perpetrators of sex crimes, if convicted, often receive light sentences.

The Sexual Equality Employment Act was enacted to combat sexual harassment in the workplace, and went into effect in 1999. As of August, 500 cases have been filed under the Gender Discrimination Prevention and Relief Act; 43 percent of cases dealt with sexual harassment and 39 percent concerned discrimination (pregnancy, promotion, or salary). Under the law, companies can be fined up to \$2,500 (3 million won) for failing to take steps to prevent sexual harassment in the workplace or failing to punish an offender. The law also requires companies to establish in-house sexual harassment complaint centers and forbids firms from punishing employees for taking their complaints to outside organizations. In addition the Ministry of Education announced that the law's guidelines would apply at the nation's schools and that teachers who make gender-discriminatory remarks would be disciplined. As examples of gender-discriminatory remarks, the Ministry cited statements that emphasized women's traditional roles in families, stressed men's leadership in society, and encouraged female students to work for good marriages instead of embarking on a career after graduation.

The Family Law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce. Although the law helps abused women who choose to divorce, including victims of domestic violence, the stigma of divorce remains strong, and there is little government or private assistance for divorced women. These factors, plus the fact that divorced women have limited employment opportunities and have difficulty remarrying, lead some women to stay in abusive situations. The Government established some shelters for battered women and increased the number of child care facilities, giving women in abusive situations more options, but women's rights groups say that they fall far short of effectively dealing with the problem.

The country's conservative traditions have left women subordinate to men socially and economically. Despite the passage of equal employment opportunity legislation, few women work as company executives, and sexual discrimination in the workplace remains a problem. The Equal Employment Act has been revised to impose tougher penalties on companies that are found to discriminate against women in hiring and promotions. Under the law, the Presidential Commission on Women's Affairs (the precursor of the existing Ministry of Gender Equality) was granted the authority to investigate sexual discrimination cases in the workplace. A company found guilty of practicing sexual discrimination could be fined up to \$3,873 (5 million won) and

have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress. Nevertheless some government agencies' preferential hiring of applicants with military service (nearly always men) leads to continued legal barriers against women. In 1999 the Constitutional Court ruled that government agencies' preferential hiring practices for those who have performed military service discriminated against women and disabled persons and were unconstitutional. Women have full access to education, and social mores and attitudes are changing gradually. For example, the major political parties are making more efforts to recruit women; an increasing number of women occupy key positions within political parties; and the military and service academies continued to expand opportunities for women. With the establishment of the Ministry of Gender Equality, the Government is striving for increased employment opportunities for women and also for an enhanced role and stronger rights of women in society, while closely monitoring violations and instances of discrimination.

The Government provides an allowance of \$387 (500,000 won) per month to 142 former "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Army).

The country is a major origin and transit point for the trafficking in Asian women and children destined for the sex trade and domestic servitude (see Section 6.f.).

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded system of public education. The Government provides high-quality elementary education to all children free of charge. Education is compulsory through the age of 15, and most children obtain a good secondary education. High-quality health care is widely available to children.

As public awareness of the problem of child abuse continued to grow, the number of reported cases was increasing. According to one NGO's figures, 2,115 cases of child abuse were reported in 1999. The Seoul metropolitan government runs a children's counseling center that investigates reports of abuse, counsels families, and cares for runaway children. The Prevention of Domestic Violence and Victim Prevention Act of 1998, which defines domestic violence as a serious crime, allows a child to bring charges against a parent in cases of abuse. In July the Government enacted a revised Child Protection Law that mandates the establishment of a child abuse hot line and the dispatch of trained personnel to take preliminary measures for the protection of an abused child. Under the revised law, the Government is to establish temporary protection facilities, counseling centers, communal homes, and other appropriate protection services and facilities. Revisions also include increased penalties for convicted child abusers, who would face up to 5 years in prison (compared to the previous 2 years) for child abuse.

In 1999 the Government's Commission on Youth Protection, exercising its mandate to "regulate the circulation of harmful materials and substances and to protect youth from harmful entertainment establishments," revised the Youth Protection Law. Under the revised law, owners of entertainment establishments who hire minors under the age of 19 face prison terms of up to 10 years and a fine of \$7,747 (10 million won) per minor hired. The Commission also announced that it was expanding the definition of "entertainment establishment" to include facilities, such as restaurants and cafes, where children sometimes were hired illegally as prostitutes. In addition, as part of a campaign to eradicate child prostitution and sexual offenses against minors, the Government enacted the Child Protection against Sexual Offenses Law in 2000. It established a maximum sentence of imprisonment of 20 years for the sale of the sexual services of persons less than 19 years of age. It also established prison terms for persons convicted of the purchase of sexual services of youth under the age of 19 (see Section 6.f.). Based on this law, the Commission enforced a decree to publicize the names of those who had committed sex offenses against minors. In August the names of 169 offenders were made public.

The traditional preference for male children continues, although it is less evident among persons in their twenties and thirties. Although the law bans fetal testing except when a woman's life is in danger, when a hereditary disease would be transmitted, or in cases of rape or incest, such testing and the subsequent termination of pregnancies with female fetuses frequently occur. The Government has expressed concern about the widening disparity between male and female birth rates.

The country is a major origin and transit point for trafficking in Asian women and children destined for the sex trade and domestic servitude (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—Although measures aimed at creating opportunities for persons with disabilities have been taken, public facilities for their everyday care and use remained inadequate. However, there is no legal discrimination against persons with disabilities in employment, education, or the provision of other state serv-

ices. The law states that “no one shall be discriminated against in all areas of political, economic, social, and cultural life on the grounds of disability.”

In 1995 the Government expanded job training programs, medical benefits, and welfare facilities for disabled citizens. Firms with over 300 employees are required by law either to hire persons with disabilities or pay a fine. Surveys indicate that most companies either pay the fine or evade the law, with one 1999 survey indicating that 9 out of 10 firms with more than 300 employees failed to meet the mandated 2 percent job quota for persons with disabilities; the hiring of the persons with disabilities remains significantly below target levels. Persons with disabilities make up less than 1 percent of the work force. New public buildings are required to include facilities for persons with disabilities, such as ramp access to entrances, a wheelchair lift, and special parking spaces. The Health and Welfare Ministry has announced that existing government buildings must be retrofitted with these facilities, and, as of late 1998, 47.4 percent of public buildings and facilities had facilities for the persons with disabilities. In 1999 the Constitutional Court ruled that government agencies’ preferential hiring practices for those who have performed military service discriminated against persons with disabilities and were unconstitutional.

National/Racial/Ethnic Minorities.—The country is racially homogeneous, with no ethnic minorities of large size. Except in cases of naturalization, citizenship is based on parentage, not place of birth, and persons must show their family genealogy as proof of citizenship. Thus ethnic Chinese born and resident in Korea obtain citizenship only with great difficulty. Without citizenship they cannot become public servants and may have difficulty being hired by some major corporations. Due to legal as well as societal discrimination, many ethnic Chinese have emigrated to other countries since the 1970’s. There are approximately 20,000 ethnic Chinese residents, who represent 0.05 percent of the population. In June 1998, the Government passed legislation to allow a female citizen to transmit citizenship to her child regardless of the citizenship of the child’s father. Amerasians face no legal discrimination, but informal discrimination is prevalent, making it more difficult for them to succeed in academia, business, or government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the right to associate freely, except public sector employees. Since 1999 government white-collar workers have been allowed to form workplace councils. Blue-collar workers in such government agencies as the postal service, railways, telecommunications, and the National Medical Center are allowed to organize unions. As few as two employees may form a union. Until 1997 the Trade Union Law specified that only one union was permitted at each workplace. Labor law changes in 1997 authorized the formation of competing unions starting in 2002, but implementation of these changes was postponed until 2006 by mutual agreement among members of the Tripartite Commission (with representatives of labor, management, and the Government). All unions are required to notify the authorities when formed or dissolved. According to the Ministry of Labor, in 2000 1.52 million workers, about 11.8 percent of employed workers, were union members, and there were 5,698 trade unions.

In the past, the Government did not recognize formally labor federations that were not affiliated with the country’s two legally recognized labor groupings—the Federation of Korean Trade Unions (FKTU) and the Independent Korean Federation of Clerical and Financial Workers. However, in the past several years, the Labor Ministry officially recognized some independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. The courts have ruled that affiliation with the FKTU is not required for an entity to be registered as a legal labor federation. The legalization of the teachers’ union paved the way for government recognition of the dissident Korean Confederation of Trade Unions (KCTU) in 1999. In practice labor federations not formally recognized by the Labor Ministry have operated without government interference.

The ban on teachers’ unions was lifted in 1999. Accordingly the KCTU-affiliated Korean Teachers’ Union (Chonkyojo) and the FKTU-affiliated Korean Union of Teachers and Educational Workers became legal. Although the two teachers’ unions have the right to bargain collectively with the Ministry of Education on wages and working conditions—but not school curricula—it is illegal for the unions to take collective action. On October 10, the Korean Teachers and Educational Worker’s Union staged a sit-in, during which 800 teachers took monthly or annual leave. On October 27, 10,000 teachers demonstrated in Yoi-do. At year’s end, collective bargaining by both teachers unions with the Ministry of Education continued.

Election laws that apply to other social organizations regulate unions. These regulations prohibit donations by unions (and other social organizations) to political par-

ties. Some trade unionists have temporarily resigned from their union posts to run for office. In the April 2000 National Assembly election, several candidates from the KCTU-affiliated Democratic Labor Party made unsuccessful bids for Assembly seats.

Strikes are prohibited in government agencies, state-run enterprises, and defense industries. By law unions in enterprises determined to be of "essential public interest," including public transportation, utilities, public health, banking, and telecommunications can be ordered to submit to government-ordered arbitration in lieu of striking. However, in practice the Government rarely imposes arbitration. In June workers at the two main airlines held a strike. The Government considered the strikes illegal because the workers did not go through arbitration. During the year, the Seoul District Public Prosecutor's office indicted the chairman of the Korean Federation of Transportation, Public, and Social Services Workers' Unions, Yang Kyung-kyu, on charges of leading the illegal strike at Korean Air in June. Mr. Yang was imprisoned and later released in November. The number of labor disputes has declined in recent years. According to the Korea International Labor Foundation, there were 250 strikes and lockouts, involving 178,000 workers and a loss of 1.894 million working days in 2000, the last full year for which data are available. As of December 4, there had been a total of 222 strikes, involving 72,278 workers with 805,988 working days lost, compared with 238 strikes, involving 162,508 workers with 1,768,421 working days lost for the same period in 2000. The Labor Dispute Adjustment Act requires unions to notify the Labor Ministry of their intention to strike; it mandates a 10-day "cooling-off period" before a work stoppage legally may begin and 15 days notice in public interest sectors. Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers.

In July the Hankuk Ilbo newspaper's trade union completely stopped production at its head office in Seoul and at 4 other production facilities for 20 days, demanding changes in working conditions. The workers returned to the workplace following a promise of consultations with management. By year's end there had been no further progress.

In recent years, the Government has cultivated a more neutral stance in labor disputes. However, in a departure from this trend, in April police officers used force at a temporarily closed Daewoo auto factory when workers attempted to storm and occupy the plant. Some 40 demonstrators and 55 police were injured. Two police chiefs subsequently were suspended and reassigned in response to charges of excessive police use of force. The President later expressed deep regret for the excessive use of force by police in this incident (see Sections 1.c. and 2.b.). In February during an earlier demonstration at the Daewoo factory, the police intervened at the request of Daewoo management; arrests were made and numerous Daewoo workers and policemen were injured (see Sections 1.c and 2.b.). According to the KCTU, as of May 89 persons had been arrested during the year for allegedly instigating violent strikes or illegally disrupting business. KCTU chairman Dan Byung Ho and chairman of the Federation of Transportation, Public, and Social Services Workers' Unions Yang Kyung-kyu were arrested for initiating mass rallies and a general strike in June and July. Although there were several large general strikes, the Government did not punish unionists for their participation in these strikes or other mass rallies. According to the Federation of Korean Trade Unions, there are numerous cases where workers who had been fired were later reinstated because the courts ruled that their employers had engaged in unfair labor practices by firing them.

The FKTU and KCTU are affiliated with the International Confederation of Free Trade Unions. Most of the FKTU's 20 constituent federations maintain affiliations with international trade secretariats, as does the KCTU Metalworkers Council.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Trade Union Law provide for the right of workers to collective bargaining and collective action. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or practice discrimination against union members. Employers found guilty of unfair practices can be required to reinstate workers who were fired for union activities. In July five civil servants were summoned and investigated by the police concerning their reason for organizing a rally, but no legal action was taken against them. The Government placed no restrictions on them. The Tripartite Commission has established a subcommittee on the protection of civil servants' basic rights and has discussed the establishment of a civil servants' union.

Extensive collective bargaining is practiced, even with unions whose federations are not recognized legally by the Government. The labor laws do not extend the right to organize and bargain collectively to defense industry workers or white-collar government employees, although the Government passed legislation to allow govern-

ment workers to form workplace councils beginning in 1999, including workers at state or publicly run enterprises.

There is no independent system of labor courts. The central and local labor commissions form a semiautonomous agency of the Labor Ministry that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each labor commission is composed of equal numbers of representatives of labor and management, plus neutral experts who represent the "public interest." Local labor commissions are empowered to decide on remedial measures in cases involving unfair labor practices and to mediate and, in some situations, arbitrate labor disputes. Arbitration can be made compulsory in sectors of the economy (for example utilities and transportation) deemed essential to public welfare.

In 1998 the Government established the Tripartite Commission, with representatives from labor, management, and the Government to deal with labor issues related to the economic downturn. The Tripartite Commission concluded an agreement that covered, among other things, unemployment policy, corporate restructuring, labor conditions, labor market flexibility, and the promotion of basic labor rights. The work of the Commission made it legal for companies to lay off workers due to economic hardship and authorized temporary manpower agencies. Disputes concerning the implementation of the agreement among labor, management, and government representatives led to the withdrawal of the KCTU representatives in 1999.

In the past, regulations forbade intervention in disputes by so-called third parties, such as labor federations not recognized by the Government. Labor laws were revised in 1997 to lift the ban on third-party intervention and allow nonrecognized federations to assist member unions involved in a strike. Under this provision, persons who assist trade unions or employers in a dispute or in the course of bargaining are required to register with the Ministry of Labor. Those who fail to do so face a large fine or a maximum sentence of 3 years' imprisonment. However, no one has been charged for failing to register since the 1997 labor law revision.

Enterprises in the two export processing zones (EPZ's) had been designated by the Government as public interest enterprises. Workers in these enterprises gradually have been given the rights enjoyed by workers in other sectors of the economy. Labor organizations are permitted in EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced or compulsory labor by children, and it is not known to occur. The country is a major origin and transit point for trafficking of Asian women and children (see Section 6.f.). The Constitution provides that no person shall be punished, placed under preventive restrictions, or subjected to involuntary labor, except as provided by law and through lawful procedures. Some illegal foreign workers allege beatings, forced detention, withheld wages, and seizure of passports by their employers (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law prohibits the employment of persons under age 15 without a special employment certificate from the Labor Ministry. Because education is compulsory through middle school (about age 14), few special employment certificates are issued for full-time employment. Some children are allowed to hold part-time jobs such as selling newspapers. To obtain employment, children under age 18 must have written approval from both of their parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the Labor Ministry. Child labor laws and regulations are clear and usually enforced when violations are found, but the Government employs too few inspectors to carry out regular inspections. In March the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded child labor and enforces this prohibition (see Section 6.c.). The country is a major origin and transit point for trafficking in Asian women and children (see Section 6.f.).

e. Acceptable Conditions of Work.—The minimum wage is reviewed annually. As of July the minimum wage was \$1.63 (2,100 won) per hour, or \$367.67 (474,600 won) per month. Companies with fewer than 10 employees are exempt from this law. The FKTU and other labor organizations assert that the existing minimum wage does not meet the basic requirements of urban workers. In fact workers earning the minimum wage would have difficulty in providing a decent standard of living for themselves and their families, despite fringe benefits, such as transportation expenses, with which companies normally supplement salaries. However, the money an average blue-collar worker takes home in overtime and bonuses significantly raises the total compensation package. According to the Ministry of Health and Welfare, 4.2 percent of the population lived below the poverty level as of July 1999.

The Labor Standards Law provides for a maximum regular workweek of 44 hours, and provides for overtime to be compensated at a higher wage. The law also provides for a 24-hour rest period each week. Labor laws also provide for a flexible hours system, under which employers can require laborers to work up to 48 hours during certain weeks without paying overtime, so long as average weekly hours for any given 2 week period do not exceed 44. If a union agrees to a further loosening of the rules, management may ask employees to work up to 56 hours in a given week. Workers may not work more than 12 hours per working day. Labor groups claim that the Government does not enforce adequately the maximum workweek provisions at small companies. After large strikes during the year over demands for a 40-hour workweek, the Tripartite Commission was discussing implementation of a 40-hour, 5-day workweek to be phased in gradually and plans to test the 5-day workweek in some government agencies beginning January 1, 2002, with full execution in the public sector to occur on July 1, 2002.

Foreign workers, most of whom come from China, the Philippines, Bangladesh, Nepal, Vietnam, Indonesia, Sri Lanka, and Pakistan, often face difficult working conditions. The Government sought to ameliorate the problems of illegal workers by creating a program that allowed certain foreign workers to enter the country legally to work at established wages with legal safeguards. In 2000 the Government announced that industrial trainees would be allowed to remain in the country for as long as 5 years (previously, those entering the country on trainee visas could remain for 3 years). The Government reports that approximately 23,300 foreign workers and 70,500 industrial trainees are in the country legally, and that there are an additional 220,000 illegal residents. It is difficult for illegal workers to seek relief for loss of pay or unsatisfactory living and working conditions because they face deportation. However, the Government has established counseling centers that hear complaints from illegal foreign workers about issues such as overdue wages and industrial accidents. The MOJ announced in 2000 that it would suspend deportation proceedings for illegal residents awaiting back pay. The MOJ also announced that it would establish a human rights committee for foreign workers to address mistreatment that some foreign workers face from their employers, such as beatings, forced detention, withheld wages, and seizure of passports. Finally, employers reported to abuse foreign workers would be subject to criminal charges and be disadvantaged in the Government's allocation of jobs for overseas workers. Foreign workers have submitted complaints to the Human Rights Commission, but the Commission was not fully operational. The Labor Standards Law also prohibits the abuse of workers. Foreign workers working as language teachers have complained that the language institutes that hired them frequently violated employment contracts, for which the legal system provided insufficient redress.

The Government sets health and safety standards, but the accident rate is unusually high by international standards. However, this rate has continued to decline gradually due to improved occupational safety programs and union pressure for better working conditions. Although the number of inspectors has increased from 152 in 1989 to 315 during the year, the Labor Ministry still lacks a sufficient number of inspectors to enforce the laws fully. The law does not provide job security for workers who remove themselves from dangerous work environments.

f. Trafficking in Persons.—There is no single law that specifically prohibits trafficking in persons, although various statutes can be used to prosecute traffickers; trafficking is a problem.

The Republic of Korea is a country of origin, transit, and destination for trafficking in persons. Young female Koreans are trafficked primarily for sexual exploitation, mainly to the United States, but also to other Western countries and Japan. Female aliens from many countries, primarily Chinese women, are trafficked through Korea to the United States and many other parts of the world. In addition to trafficking through air, much transit traffic occurs in the country's territorial waterways by ship. There are also reports that women from Russia are trafficked to the country for sexual exploitation.

In addition the country is considered a major transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude. Relatively small numbers of Korean economic migrants, seeking opportunities abroad, are believed to have become victims of traffickers as well (see Section 5). There have been reports of the falsification of government documents by travel agencies; many cases involved the trafficking or smuggling of citizens of China to Western countries.

Various laws can be used to prosecute traffickers, including laws against kidnapping, inducement to prostitution, and laws protecting juveniles. These laws stipulate that proper security measures as well as financial assistance must be provided to trafficked victims when they report a trafficking crime.

The Criminal Code states that, "A person who kidnaps another by force or coercion for purposes of engaging in an indecent act or sexual intercourse, or for gain, shall be punished by imprisonment for not less than 1 year . . . this shall apply to a person who buys or sells a woman for the purpose of prostitution." The Labor Standards Law prohibits the employment of any person under 18 years of age in work that "is detrimental to morality or health." The Juvenile Sexual Protection Act that took effect in July 2000 imposes lengthy prison terms for persons convicted of sexual crimes against minors (see Section 5).

On August 29, the Supreme Prosecutor's Office established joint investigations centers in collaboration with the police force and local governments to address trafficking and inveigling of women for forcible sexual exploitation, for the forcible transfer to foreign territory for employment in "service establishments of indecent nature," for granting illegal entry into the country for purposes of sexual exploitation, for the sale of women between prostitution establishments, and for the illegal departure from the country through fake employment or marriage overseas.

There were several convictions during the year regarding trafficking: Two convictions with 2-3 years' imprisonment for arranging illegal entry into the United States for employment in the sex industry; three convictions with 2-3 years' imprisonment for detainment and forced prostitution; and three convictions with 1 year's imprisonment for confiscating passports and airline tickets of 23 Russian and Uzbek nationals.

In May 2000, police arrested 5 persons for visa fraud for the purpose of trafficking in aliens; the group had reportedly recruited more than 1,000 persons. In November 2000, police arrested Lim Il Kwon, a citizen convicted of past alien trafficking, on charges of document fraud. He admitted to the smuggling of women to Japan and Western countries for purposes of prostitution. Police believe that Lim was responsible for the trafficking of hundreds of persons. Police also arrested another suspected trafficker who admitted document fraud for international travel. In all of 2000, 585 persons were investigated on suspicion of smuggling of persons, with 103 arrested. As of October 2001, 536 persons had been investigated, with 142 arrests. Most arrests for these types of crimes are made on charges of travel document fraud, not trafficking itself.

Various laws stipulate that appropriate facilities such as temporary shelters, counseling assistance, medical treatment, and occupational training programs provide protection and assistance to trafficking victims. There are 131 women's welfare counseling centers, 184 sexual assault counseling centers, 269 welfare facilities, 12 self-support centers, and 16 self-help support centers. In 2000 a total of 8,648 persons made use of counseling centers, and 1,411 persons made use of protection facilities. These persons include victims of violence as well as victims of trafficking.

In November the Ministry of Gender Equality and the Ministry of Justice published booklets to publicize counseling centers and protection facilities for victims trafficked into prostitution.

The Government has worked with various NGO's to develop awareness of the issue and the prevention of trafficking.

LAOS

The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution outlines a system composed of executive, legislative, and judicial branches, in practice the LPRP continued to control governance and the choice of leaders through its constitutional "leading role" at all levels. The 99-member National Assembly, elected in 1997 under a system of universal suffrage, approved the LPRP's selection of the President in 1998, and ratified the President's selection of a new Prime Minister in March. The judiciary is subject to executive influence.

The Ministry of Interior (MOI) maintains internal security but shares the function of state control with party and popular fronts (broad-based organizations controlled by the LPRP). The Ministry of Foreign Affairs is responsible for the monitoring and oversight of foreigners working in the country, although in practice MOI elements conduct the actual monitoring. The MOI includes local police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces are responsible for external security but also have some domestic security responsibilities that include counterterrorism and counterinsurgency activities. Civilian authorities generally maintain effective control over the security forces. Some members of the security forces committed serious human rights abuses.

Laos is an extremely poor country with a population of 5.2 million. The economy is principally agricultural, with 85 percent of the population engaged in subsistence agriculture. Since 1986 the Government largely has abandoned most of its socialist economic policies, although in practice the domination of the state-owned banks and enterprises and an apparent lack of conviction in improving the investment climate indicate a reluctance to discard socialist models. Economic reforms only recently have begun to move the country gradually from a centrally planned system to a market-oriented economy open to foreign investment with a growing legal framework, including laws to protect property rights. The country is heavily dependent on official foreign aid and on remittances from Lao living abroad.

The Government's human rights record remained poor throughout the year, and there were a number of serious problems. Citizens do not have the right to change their government. There were credible reports that security personnel in a remote village killed a noncombatant civilian in the course of making arrests. At times members of the security forces abused detainees, especially those suspected of insurgent or antigovernment activity. Prisoners are abused and tortured, and prison conditions generally are extremely harsh and life threatening. Police used arbitrary arrest, detention, and surveillance. Lengthy pretrial detention and incommunicado detention are problems. The judiciary is subject to executive influence, is corrupt, and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government restricts freedom of speech, the press, assembly, and association. However, it permitted some access to the foreign press and the Internet. The Government restricts freedom of religion. During the year, police and provincial authorities arrested and detained approximately 60 members of Christian churches. At least 13 members of religious communities remained in custody at year's end. Forced renunciation campaigns and church closings intensified in some areas. The Government imposes some restrictions on freedom of movement. Some societal discrimination against women and minorities persists, although the Government actively supported a policy of encouraging greater rights for women, children, persons with disabilities, and minorities. The Government restricts some worker rights. Trafficking in women and children is a problem.

Beginning in 2000, a series of bombings occurred in urban areas. These bombings continued into the early part of the year, and caused some injuries. No group claimed responsibility for these acts. The authorities attributed at least one of the bombings to terrorists or "ill-intentioned persons."

There were no reports of attacks on government forces by the organized Hmong insurgent group, the Chao Fa, during the year. In December another insurgent group attacked a village in Xieng Khouang Province and burned several houses, but there were no reported deaths or injuries among villagers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings by government officials during the year. There continued to be isolated, unconfirmed reports of deaths at the hands of security forces in remote areas, often in connection with private disputes and the personal abuse of authority.

In March, during armed actions against insurgents, government forces attempted to detain a number of villagers in Saysomboune Special District. In the course of the arrests, one villager was shot and killed (see Section 1.c.). Several villagers were detained, but subsequently were released, reportedly on the understanding that they would not bring the incident to the attention of the central authorities.

In November a Lao Evangelical Church pastor was shot and killed by an unknown assailant near his home in Sayaboury Province. Authorities in Sayaboury suggested that the killing may have been the result of a personal dispute, possibly related to the pastor's religious activities (see Section 5).

A series of bombings in urban areas began in 2000 and continued into the year; however, unlike 2000, no one was killed in the explosions (see Section 1.c.).

There were no reports of attacks on government forces by the organized Hmong insurgent group, the Chao Fa, during the year.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. In 1999 two foreign nationals disappeared near the northwest border with Thailand allegedly after entering the country. At year's end, the disappearances remain unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit torture; however, in practice members of the security forces subjected prisoners to torture and other abuses. Credible

sources reported that detainees routinely were subjected to beatings, long-term solitary confinement in completely darkened rooms, and burning from cigarettes. In some cases detainees reportedly are held in leg chains or wooden stocks. Three Hmong religious leaders arrested in May were kept shackled for much of their 2-month incarceration and required medical treatment on release for injuries resulting from their confinement.

The Government did not address the numerous reports made by groups outside the country regarding use of torture and abusive treatment by government authorities.

A series of bombings in urban areas began in 2000 and continued into the year; however, unlike 2000, no one was killed in the explosions. In January an explosion at the Lao-Thai Friendship Bridge injured several bystanders. No one claimed responsibility for the incident. Officials attributed it to terrorists or "ill-intentioned persons." In February a small explosion occurred next to the dry goods market in Luang Prabang; no one was injured. There were no arrests in connection with these incidents, nor was there any reported progress in the investigation into the 2000 bombings, which resulted in at least one death.

In late December, an insurgent group attacked a village in northern Xieng Khouang Province, burning five homes and killing some livestock. Press reports indicated that no one was killed or injured in the attack. There were no reports of attacks on government forces by the organized Hmong insurgent group, the Chao Fa, during the year. There also were no reports of attacks on official or civilian travelers in the central and north central regions. Nonetheless, the Government remained concerned about the safety of foreign tourists and aid workers in remote areas of that region.

Prison conditions generally are extremely harsh and life threatening. Food rations are minimal, and most prisoners rely on their families for their subsistence. The Government discriminates in its treatment of prisoners, restricting the family visits of some and prohibiting visits to a few. Credible reports indicate that ethnic minority prisoners and some foreign prisoners are treated particularly harshly. Prison authorities use degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners, especially suspected insurgents. On occasion the authorities used incommunicado detention as an interrogation method; in isolated cases, this was life threatening when prisoners were detained in such conditions for lengthy periods. There are confirmed reports that a few jails place prisoners in leg chains, wooden stocks, or fixed hand manacles for extended periods (see Section 2.c.). Medical facilities are extremely poor or nonexistent. Some prisoners have died as a result of abusive treatment and lack of medical care. According to credible reports, at least one inmate in a Vientiane prison died of an apparent heart attack when medical care was intentionally withheld for several hours. Prison conditions for women are similar to those for men. Prisons hold both male and female prisoners, although they are placed in separate cells. Juveniles are housed together with adult prisoners.

Several international human rights groups continued their longstanding requests to the Government to move two political prisoners to a prison with better conditions, including more modern medical facilities (see Section 1.e.). The Government continued to ignore these pleas.

The Government does not permit independent monitoring of prison conditions, and has denied the International Committee of the Red Cross access to its prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for arrest warrants issued by the prosecutor, and the Constitution provides for procedural safeguards; however, in practice the Government does not respect these provisions, and arbitrary arrest and detention remain problems. Police sometimes use arrest as a means of intimidation or to extract bribes. Police exercise wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those in the act of committing a crime or for "urgent" cases. Incommunicado detention is a problem (see Section 1.c.). There is a 1-year statutory limit for detention without trial; the length of detention without a pretrial hearing or formal charges by law also is limited to 1 year. However, these limits often are ignored in practice. The Office of the Prosecutor General must authorize police to hold a suspect pending investigation. Authorization is given in 3-month increments, and, after a maximum of 1 year, a suspect must be released if police do not have sufficient evidence to bring charges. Access to family or a lawyer is not assured. There is a bail system, but its implementation is arbitrary. A statute of limitations applies to most crimes. In practice, alleged violations of security laws have led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Reports indicated that some students, teachers, and their associates who had staged protests in 1999 remained in detention without trial at year's end. These persons peacefully had advo-

cated multiparty democracy and increased political freedom and had expressed hostility to the regime. Their detention without trial, now in its 3rd year, violates the 1-year statutory limit.

During the year, government authorities arrested and detained more than 60 Christians, at times holding them in custody for months (see Section 2.c.). Those detained without trial at year's end for their religious activities include: One person in Phongsaly; one person in Houaphan; and six persons in Savannakhet (see Section 2.c.). Seven lowland Lao men who returned from China have been detained without trial since 1997. An eighth member of this group was released during the year (see Section 2.c.).

In March government forces detained several villagers in Saysomboune Special District, but subsequently released them on the condition that the villagers not report the security forces shooting of one of the villagers during the incident (see Section 1.a.).

Police in some instances administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law (see Section 1.e.). There are no known instances of the police being reprimanded or punished for such behavior.

Three former government officials detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties were not tried until 1992. One died in prison since that time. Also in 1992, the court tried and handed down life sentences to three men detained since 1975 for crimes allegedly committed during their tenure as officials of the previous regime. One of these persons reportedly had died in prison.

An estimated 100 to 200 persons are in detention for suspicion of violations of national security. Most of these detainees are held without trial; one person has been detained since 1992.

The Government does not use forced exile; however, a small group of persons who fled the country at the time of the change in government in 1975, and who were tried in absentia for antigovernment activities, does not have the right of return (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary and the prosecutor's office; however, senior government and party officials influence the courts, although likely to a lesser degree than in the past. Impunity is a problem, as is corruption. Many observers believe that judges can be bribed. The National Assembly Standing Committee appoints judges for 5-year terms; the executive appoints the Standing Committee. The Assembly may remove judges from office for "impropriety." Since 1991 one judge at the district level has been removed for improper behavior.

The People's Courts have three levels: District; municipal and provincial; and a Supreme Court. Decisions of both the lower courts and separate military courts are subject to review by the Supreme Court. Both defendants and prosecutors have the right to appeal an adverse verdict. There are instances in which civilians may be tried in the military courts, but this reportedly is rare.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires that the authorities inform persons of their rights. The law states that defendants may have anyone assist them in preparing a written case and accompany them at their trial; however, only the defendant may present oral arguments at a criminal trial. Due to lack of funds, most defendants do not have attorneys or trained representatives. Defendants enjoy a presumption of innocence; however, in practice lawyers face severe restrictions in criminal cases. Most trials are little more than direct examinations of the accused, although judges appear not to hold preconceived views of a trial's outcome. Most criminal trials reportedly end in convictions. Defendants sometimes are not permitted to testify on their own behalf. Trials for alleged violations of some security laws and trials that involve state secrets, children under the age of 16, or certain types of family law, are closed.

In some instances, police administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law.

In addition to the hundreds of short- and long-term political detainees (see Section 1.d.), there are four known political prisoners. Two prisoners from the pre-1975 regime, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, are serving life sentences after trials that did not appear to be conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties, and were not tried until 1992. They are serving 14-year sentences based on their 1992 convictions.

Other political prisoners may have been arrested, tried, and convicted under security laws that prevent public court trials; however, there is no reliable method to ascertain accurately their total number. There have been no verifiable reports of other political prisoners in the last few years. International humanitarian organizations are not permitted to visit political prisoners, or any other prisoners (see Section 1.c.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail) and movements. However, some personal freedoms accorded to citizens expanded along with the liberalization of the economy.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law security police may not authorize their own searches; they must have approval from a prosecutor or court. However, in practice police did not always obtain prior approval. The Penal Code generally protects privacy, including that of mail, telephone, and electronic correspondence; however, the government violates such legal protections.

MOI forces monitor citizens' activities; in addition an informal militia in both urban and rural areas has responsibility for maintaining public order and reporting "undesirable elements" to the police. Militia usually concern themselves more with petty crime and instances of moral turpitude than with political activism, although some rural militia may be used for security against insurgents. A sporadically active system of neighborhood and workplace committees under the aegis of the popular front organizations plays a similar monitoring role.

The Government permits the public sale of few leading foreign magazines and newspapers; however, restrictions on publications mailed from overseas are enforced loosely (see Section 2.a.). The Government allows citizens to marry foreigners but only with prior approval. Although the Government routinely grants permission, the process is lengthy and burdensome. Marriages to foreigners without government approval may be annulled, with both parties subject to arrest or fines.

The Government displaced internally hundreds of persons during the year, mainly as a result of organized infrastructure development programs. The Government provides compensation to displaced persons in the form of land and household supplies.

There are two Internet service providers. In the second half of 2000, the National Internet Control Committee in the Prime Minister's Office began a review of national telecommunications and Internet access procedures; the Committee stated that it intends to monitor and control more actively Internet communications by the country's approximately 3,000 subscribers. In September the Prime Minister's Office approved rules that established a single gateway for Internet service.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts political speech and writing in practice. The Government also prohibits most criticism that it deems harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. Citizens who lodge legitimate complaints with government departments generally do not suffer reprisals. However, government concern regarding potentially violent public displays of discontent over failed economic policies and concern over the series of terrorist bombings that began in 2000 led to tighter control of the media during the first part of the year, although such restrictions loosened to some extent later in the year. Newspapers did not report on investigations into the causes of any of the eight bombs that exploded in Vientiane in 2000, nor did they report on the February bombing in Luang Prabang or on the investigation into the bombing at Friendship Bridge (see Section 1.c.); newspapers speculated that the Friendship Bridge explosion was caused by antigovernment groups or terrorists.

All domestic print and electronic media are state-owned and controlled. Local news in all media reflects government policy. Television talk shows and opinion articles refer only to differences in administrative approach. However, translations of foreign press reports generally are without bias, and access to Thai radio and television and foreign-based Internet servers generally is unhindered. A few Asian and Western newspapers and magazines are available through private outlets that have government permission to sell them.

Foreign journalists must apply for special visas. Although such visas normally are granted, persons traveling on journalist visas are restricted in their activities. The authorities do not allow journalists free access to information sources or to travel

without official escort. In addition, they must pay a daily fee for the services of their escort.

Authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Any person found guilty of importing a publication deemed offensive to the “national culture” faces a fine or imprisonment for up to 1 year. The Government does not permit the printing of non-Buddhist religious texts or their distribution outside a congregation and restricts the import of foreign religious texts and artifacts (see Section 2.c.).

Films and music recordings produced in government studios must be submitted for official censorship. However, in practice most foreign films and music are easily available in video and compact disc format. Government enforcement of restrictions on nightclub entertainment generally was lax during the year.

Citizens have 24-hour access to Cable News Network and the British Broadcasting Corporation, among other international stations accessible via satellite television. The Government requires registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenue-generating scheme, but otherwise makes no effort to restrict their use.

The Government controls all domestic Internet servers and blocks access to those Internet sites that are deemed pornographic or are critical of government institutions and policies, although such blockages are infrequent. The Government also sporadically monitors e-mail. In October 2000, the National Internet Control Committee promulgated highly restrictive regulations regarding Internet use by citizens. The regulations significantly curtailed freedom of expression and made “disturbing the peace and happiness of the community” and “reporting misleading news” criminal acts. In addition during the year, the Prime Minister’s Office issued orders consolidating government control over Internet service (see Section 1.f.). However, the Government in the past has been limited in its ability to enforce such regulations.

The Constitution provides for academic freedom; however, the Government restricts it, although over the past several years it has relaxed its restrictions in certain areas. Lao and Western academic professionals conducting research in the country may be subject to restrictions on travel and access to information and Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercises some control over their ability to travel on research or obtain study grants. However, the Government, which once limited foreign travel by professors, actively seeks out these opportunities worldwide and approves virtually all such proposals.

In recent years, credible reports have indicated that some state and party officials denied some academically qualified ethnic minorities, including Hmong, opportunities for foreign fellowships and study abroad. This discriminatory behavior goes unchecked. On rare occasions in previous years, the Government denied government employees who were not party members permission to accept certain research or study grants, apparently because they had chosen not to join the LPRP. No such cases are known to have occurred during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause “turmoil or social instability.” Such acts are punishable by a prison term of from 1 to 5 years. If defendants are tried for crimes against the State, they may face much longer sentences of up to 20 years or possible execution. In October five foreigners belonging to the Transnational Radical Party were arrested in Vientiane for protesting the October 1999 arrest of student protesters (see Section 1.d.). They were held for 2 weeks before being tried and sentenced to 5 years each for “creating social turmoil.” The sentences were commuted, and they were expelled from the country.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricts this right in practice. The Government registers and controls all associations and prohibits associations that criticize it. Political groups other than popular front organizations approved by the LPRP are forbidden. Although the Government restricts many types of formal professional and social associations, in practice informal nonpolitical groups meet without hindrance. The Foundation for Promoting Education, a private voluntary organization in Vientiane Municipality, was active during the year and awarded prizes for educational achievement and scholarships to needy students. The group operates independently under its own charter; however, it reports to the Ministry of Education. The Buddhist Promotion Foundation is a semiprivate group founded in 1998 by the Lao Buddhist Fellowship Association, which reports to the LPRP Lao National Front for Construction, an LPRP popular front organization responsible for overseeing all religions.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the authorities, particularly at the local level, interfere with this right in practice. The Constitution prohibits “all acts of creating division of religion or creating division among the people.” The LPRP and Government apparently interpret this section as inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements accepted the existence of religion, they emphasized its potential to divide, distract, or destabilize.

The Constitution notes that the State “mobilizes and encourages” monks, novices, and priests of other religions to participate in activities “beneficial to the nation and the people.” The Department of Religious Affairs in the LPRP Lao National Front for Construction, an LPRP popular front organization, is responsible for overseeing all religions.

During the year, government authorities arrested and detained more than 60 Christians, at times holding them in custody for months. In some cases, prisoners were handcuffed, detained in leg chains and stocks, and subjected to psychological pressure.

In Luang Prabang Province, three prisoners are serving 2- to 3-year terms for peaceful religious activities deemed to be “creating social turmoil.” In Oudomxay one person is serving a 12-year sentence and another a 15-year sentence for religious proselytizing, purportedly in coordination with foreigners. The more severe sentences in Oudomxay were based on harsh Penal Code provisions for acts against the State.

Church closings and forced renunciations of faith continued in a number of provinces. In Savannakhet province, a renunciation and church-closing campaign begun in 1999 had led to the closure of at least 24 of the province’s 32 Lao Evangelical (LE) churches by year’s end. All of Luang Prabang Province’s 40 LE churches were closed by year’s end. Of the approximately 60 LE churches in Vientiane Province, 20 were closed between 1999 and year’s end, including the 2000 closing of a church in a refugee returnee village which the authorities agreed could be established under the auspices of the U.N. High Commissioner for Refugees (UNHCR). District-level police, military, and National Front authorities instructed Christians, especially Christians from the Khmu and Hmong ethnic groups, to renounce their faith or face harsh penalties including arrest, denial of educational opportunities for their children, and restrictions on access to government services. There were no reports of security forces stopping all large vehicles that carried multiple passengers during Sunday worship hours in order to prevent villagers from traveling to attend worship services as had occurred in the past (see Section 2.d.).

The LPRP controls the Buddhist clergy (Sangha) in an attempt to direct national culture. After 1975 the Government attempted to “reform” Buddhism and ceased to consider it the state religion, causing thousands of monks to flee abroad, where most still remain. The Government has only one semireligious holiday—Boun That Luang—which also is a major political and cultural celebration. However, the Government recognizes the popularity and cultural significance of Buddhist festivals, and most senior officials openly attend them. Buddhist clergy are featured prominently at important state and party functions. The Lao National Front directs the Lao Buddhist Fellowship Association, and requires monks to study Marxism-Leninism, attend certain party meetings, and combine teaching of Buddhism with teaching of party-state policies. In recent years, some individual temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings.

The authorities continued to be suspicious of parts of religious communities other than Buddhism, including some Christian groups, in part because these faiths do not share Theravada Buddhism’s high degree of direction and incorporation into the government structure. The authorities especially appear to suspect those religious groups that receive funding from overseas, aggressively proselytize, or give targeted assistance to converts. The Government strictly prohibits foreigners from proselytizing, although it permits foreign nongovernmental organizations with religious affiliations to work in the country. Foreign persons caught distributing religious material may be arrested or deported. In February the authorities detained and subsequently deported five noncitizens, including three Chinese nationals, for distributing Falun Gong leaflets. The authorities also briefly detained the members of two other groups, one from the Philippines and one from Thailand, for distributing religious materials. The members of the Philippine group subsequently were allowed to remain in the country after the authorities had seized their religious materials; however, the members of the Thai group were expelled. Although there is no prohibition against proselytizing by citizens, local government increasingly investigated and

harassed citizens who do so under the constitutional provision against "creating division of religion."

The Government's tolerance of religion varied by region. In general central government authorities appeared unable or unwilling to control or mitigate harsh measures that were taken by local or provincial authorities against the practices of members of minority religious denominations. Although there was almost complete freedom to worship in a few areas, particularly in the largest cities, government authorities in many regions allowed properly registered religious groups to practice their faith only under restrictive conditions. In some areas, such as Savannakhet, Luang Prabang, Phongsaly, Houaphanh, Oudomxay, and Attapeu, the authorities arrested and detained some religious believers without charges (see Section 1.d.). There were no reports during the year that local officials in isolated areas monitored and arrested persons who converted to Christianity, as had occurred in the past. In several areas, including Luang Prabang, Savannakhet, and Vientiane provinces, the authorities continued to force some Christians to sign renunciations of their faith. Some detainees and prisoners were forced to sign renunciations of their faith as a condition of their release as well. In previous years, followers of Islam and the Baha'i faith also have been monitored and arrested, although there were no known cases of monitoring and arrest of Muslims and Baha'i believers during the year.

Citizens in Vientiane and Luang Prabang provinces continued to report that local authorities ordered them, under threat of arrest, to stop their open practice of Christianity completely. Local officials monitored Christians closely to ensure that they did not practice their religion and harassed and arrested some Christians who violated these policies.

In the southern part of the country, the authorities generally tolerated diverse religious practices; however, a pattern of petty local harassment persists in some areas. Many converts must undergo a series of harsh government interviews; however, after overcoming that initial barrier, they generally are permitted to practice their new faith unhindered. Members of long-established congregations had few problems in practicing their faith; however, some churches established a century ago continued to be subjected to harassment and closure by local government officials in Savannakhet. Many groups of coreligionists seeking to assemble in a new location are prevented from meeting, practicing, or celebrating major religious festivals.

The authorities sometimes advised new congregations to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. Some groups did not submit applications to establish places of worship because they did not believe that their applications would be approved. In recent years, some minority religious groups have reported that they were unable to register new congregations or receive permission to establish new places of worship, including in Vientiane.

The Roman Catholic Church is unable to operate effectively in the highlands and much of the north. However, it has an established presence in five of the most populous central and southern provinces, where Catholics are able to worship openly. There are three official bishops, one each in Vientiane, Thakhek, and Pakse, as well as a fourth bishop for Luang Prabang whose position has not been approved by the country's authorities and who resides in Vientiane. The small Catholic community in Luang Prabang holds services in members' homes, but they are sporadic.

Over 250 Protestant congregations conduct services throughout the country. The Lao National Front has recognized two Protestant groups: The Lao Evangelical Church (the umbrella Protestant church) and the Seventh-Day Adventist Church. The Front strongly encourages all other Protestant groups to become a part of the Lao Evangelical Church. The Government has granted permission to these approved denominations to have a total of four church buildings in the Vientiane area. In addition the Lao Evangelical Church has maintained church buildings in Savannakhet and Pakse.

The Government permits major religious festivals of all established congregations without hindrance. Two mosques and two Baha'i centers operate openly in Vientiane municipality; two other Baha'i centers are located in Vientiane Province and Pakse. Five Mahayana Buddhist pagodas are located in Vientiane, and others are found in larger cities and towns.

Animists generally experience no interference from the Government in their religious practices, which vary extensively among the approximately 70 identified ethnic groups and tribes in the country. However, the Government actively discourages animists from conducting religious practices that it regards as outdated or illegal, such as the practice in some tribes of allowing children to marry.

The Government does not permit the printing of non-Buddhist religious texts or their distribution outside a congregation and restricts the import of foreign religious texts and artifacts. The Government requires and usually grants its permission for

formal links with coreligionists in other countries; however, in practice the distinction between formal and informal links is unclear, and relations with coreligionists generally are established without much difficulty.

d. Freedom of Movement Within the Country, Foreign Travel, Migration, and Repatriation.—The Constitution provides for these rights; however, the Government restricts some of them in practice. Citizens who travel across provincial borders no longer are required to report to authorities upon their departure and arrival. However, in designated security zones, roadblocks and identity card checks of travelers are routine. Citizens who seek to travel abroad are required to apply for an exit visa. The Government usually grants such visas; however, officials at the local level have denied permission to apply for passports and exit visas to some persons seeking to emigrate. Access by foreigners to certain areas, such as the Saysomboune Special Zone, an administrative area operated by the military forces, is restricted for safety and security reasons.

There were no reports that security forces in villages where churches had been closed stopped all large vehicles carrying multiple passengers during Sunday worship hours in order to prevent villagers from traveling to attend worship services, as had occurred in the past (see Section 2.c.).

Although bandit and insurgent attacks on road traffic in northern Laos have occurred in the past, no such attacks were known to have occurred during the year.

Since 1980 more than 29,060 citizens who sought refugee status in Thailand, China, and other countries have returned to Laos for permanent resettlement under monitoring by the UNHCR. There were a small number of returnees during the year. The Government cooperates with the UNHCR to assist such returnees to reintegrate. Many are ethnic Hmong and other minorities. These returnees generally have been subject to more suspicion and scrutiny by the authorities than other citizens. Nevertheless, many who fled after the change of government in 1975 have visited relatives, some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully. A small group, tried in absentia in 1975 for antigovernment activities, does not have the right of return (see Section 1.d.).

The Constitution provides for asylum and the protection of stateless persons under the law. In practice, the Government does not provide first asylum, and generally does not cooperate with the UNHCR in such cases. During the year, three Chinese citizens who were arrested in Vientiane for distributing information on Falun Gong were expelled from the country reportedly back to China where they faced arrest (see Section 2.c.).

Eight lowland Lao men who returned from China in 1997 were detained without trial. One was released during the year, but the seven others remain in detention.

Some refugee returnees carry government-issued identification cards with distinctive markings, ostensibly for use by authorities. Such cards tend to reinforce a pattern of societal discrimination against the refugees.

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

Citizens do not have the right to change their government. The Constitution provides for a representative National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage; however, it legitimizes only a single party, the LPRP. Election committees, appointed by the National Assembly, must approve all candidates for local and national elections. Candidates need not be LPRP members, but in practice almost all are.

The National Assembly chooses a standing committee generally based on the previous standing committee's recommendation. Upon the committee's recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has supervision of administrative and judicial organizations, and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections (including approval of candidates). Activities of the standing committee are not fully transparent.

The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers in the Government. The 99-member National Assembly, elected in 1997 under a system of universal suffrage, approved the LPRP's selection of the President in 1998, and ratified the President's selection of a new Prime Minister in March.

The National Assembly may consider and amend draft legislation but may not propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

The percentage of women in government and politics does not correspond to their percentage of the population. However, women increased their representation in the

National Assembly in 1997 elections from 9 percent to 20 percent, as 20 of the 27 female candidates won seats. Three members of the 53-member LPRP Central Committee are women, 2 of whom are also members of the 7-member standing committee in the National Assembly. There are no women in the Politburo or the Council of Ministers.

The proportions of ethnic minority members in the 99-member National Assembly—10 Lao Soung (highland dwelling tribes) and 26 Lao Theung (mid-slope dwelling tribes)—are consistent with their proportions in the general population. There are 10 Hmong in the National Assembly. Men of lowland Lao origin dominate the upper echelons of the Party and the Government. Nonetheless, at least 3 cabinet ministers, and 36 members of the National Assembly are reported to be members of ethnic minority groups.

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

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all.

The Government in general does not respond to requests for information on the human rights situation from international human rights organizations.

The Government maintains contacts with the International Committee of the Red Cross (ICRC); government officials received ICRC training on human rights law in 1998, and the Government continues to translate international human rights and humanitarian law conventions with ICRC support. The Government permitted U.N. human rights observers to monitor the treatment of almost 30,000 returned refugees in all parts of the country with minimal interference (see Section 2.d.); however, it occasionally obstructs monitoring by delaying visits of U.N. human rights monitors to sites outside Vientiane.

A human rights unit in the Ministry of Foreign Affairs' Department of International Treaties and Legal Affairs has responsibility for inquiry into allegations of human rights violations. This government unit rarely responds to inquiries regarding individual cases. In 2000 it published a partial compilation of international conventions on human rights in Lao.

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

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. Although the Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization is neither well developed nor widely understood among the general population.

Women.—There are reports that domestic violence against women occurs, although it is not widespread. Spousal abuse is illegal. Rape reportedly is rare. In cases of rape that are tried in court, defendants generally are convicted with penalties ranging from 3-years imprisonment to execution. Spousal rape is not illegal.

Trafficking in women and girls for prostitution is a problem (see Section 6.f.). Prostitution is illegal with penalties ranging from 3 months to 1 year in prison.

Sexual harassment is rare. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by 6-months to 3-years imprisonment.

The Constitution provides for equal rights for women, and the Lao Women's Union operates nationally to promote the position of women in society. The Family Code prohibits legal discrimination in marriage and inheritance. Discrimination against women is not generalized; however, varying degrees of traditional culturally based discrimination persist, with greater discrimination practiced by some hill tribes. Many women occupy responsible positions in the civil service and private business, and in urban areas their incomes are often higher than those of men.

In the period from 1998 through 2001, the Government increased support for development programs designed to improve the position of women in society, including in the political system.

Children.—The level of support for education is very low. Education is free and compulsory through the fifth grade; however, fees for books, uniforms, and equipment, among other things, preclude children from rural areas and poor urban families from complying with this requirement. According to government statistics, 80 percent of primary school age children, 47 percent of junior high school age children, and 22 percent of high school age children are enrolled in school. There is significant

difference in the treatment of boys and girls in the educational system: Female literacy is 48 percent versus 70 percent for males. However, men and women attend the three universities in approximately equal numbers. Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs is inadequate.

Violence against children is prohibited by law, and violators are subject to stiff punishments. Reports of the physical abuse of children are rare. Trafficking in girls for prostitution and forced labor is a problem (see Section 6.f.). Other forms of child labor generally are confined to family farms and enterprises (see Section 6.d.).

Persons with Disabilities.—With donor assistance, the Government is implementing limited programs for persons with disabilities, especially amputees. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the Labor and Social Welfare Ministry has established some regulations regarding building access and some sidewalk ramps in Vientiane. The Lao National Commission for the Disabled (LNCD) has promulgated regulations to protect the rights of persons with disabilities, and in 2000 the Lao Disabled Persons Association set up offices in Champassak and Xieng Khouang provinces to assist with the rehabilitation, job skills training, and social integration of persons with disabilities. In 2000 the LNCD also hosted a regional conference on disabilities in Vientiane to promote leadership and organizational skills for persons with disabilities.

Religious Minorities.—The enhanced status of Buddhism in Luang Prabang—famed for its centuries-old traditions and numerous temples—apparently led some local officials there to act more harshly toward other religions, particularly toward Christians and Baha'is, than in other areas of the country (see Section 2.c.).

In November unknown assailants shot and killed a Christian pastor near his home in Sayaboury Province. The attack was the second attempt on the pastor's life. At year's end, the murder remained unsolved.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights for all minority citizens, and there is no legal discrimination against them. However, societal discrimination persists.

Approximately half the population is ethnic Lao, also called "lowland Lao." Most of the remainder is a mixture of diverse upland hill tribes whose members, if born in Laos, are Lao citizens. There are also ethnic Vietnamese and Chinese minorities, particularly in the towns. The Law on Nationality provides a means for the Vietnamese and Chinese minorities to normalize their citizenship; a small number did so during the year. There is also a small community of South Asian origin. The Government encourages the preservation of minority cultures and traditions; however, due to their remote location and inaccessibility, minority tribes have little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. There are a number of Hmong officials in the senior ranks of the Government and LPRP, including at least five members of the LPRP Central Committee. However, societal discrimination against the Hmong continues. In recent years, the Government focused some limited assistance projects in Hmong areas in order to address regional and ethnic disparities in income. Some international observers claim that governmental policies aimed at assimilating the Hmong into the larger society—such as regional boarding schools—are not respectful of Hmong native culture; others see this approach as an escape from centuries of poverty.

In combating the ongoing Hmong insurgency in the north, government forces mistreated Hmong suspected of harboring insurgents (see Sections 1.a. and 1.c.).

During the year, the Government continued to assist citizens, largely members of ethnic minorities, who returned to the country after having fled in 1975. Central and local government officials worked with organizations such as the UNHCR to provide land and a sustainable level of economic security. Repatriated Hmong at times face greater discrimination than those Hmong who remained. A number of Hmong returnees were forced to renounce their Christian faith, and in 2000, the authorities closed one church in a returnee village. However, international observers who monitored repatriation efforts reported no significant human rights violations.

The Constitution states that foreigners and stateless persons are protected by "provisions of the laws," but in practice they do not enjoy the rights provided for by the Constitution. During the year, there were isolated cases of foreigners of Hmong ethnicity who, when arrested or detained, suffered discrimination compare with foreigners of other ethnic backgrounds and were denied due process, apparently on the basis of their ethnicity.

Section 6. Worker Rights

a. The Right of Association.—Under the law, labor unions may be formed in private enterprises as long as they operate within the framework of the officially sanc-

tioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's approximately 77,000 members work in the public sector.

The State employs the majority of salaried workers, although this situation is changing as the Government privatizes state enterprises and otherwise reduces the number of its employees. Subsistence farmers make up an estimated 85 percent of the work force.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) makes a strike unlikely, and none were reported during the year. However, the Labor Code does not prohibit temporary work stoppages.

With advice from the International Labor Organization (ILO), including a foreign expert provided by the ILO to work with the Ministry of Labor and Social Welfare, the Government in 1994 revised the Labor Code in an effort to clarify the rights and obligations of workers and employers. However, the 2001 Report of the ILO Committee of Experts cited the Government for its failure to submit reports on ratified conventions required of member states. Furthermore, the Government has not replied to comments from the Committee from 7 years ago.

The FLTU is free to engage in contacts with foreign labor organizations, which during the year included contacts with the Association of Southeast Asian Nations (ASEAN) Trade Unions and the Asia-Pacific American Labor Alliance. The FLTU is a member of the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes reportedly are infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes. Workplace committees are one mechanism used for resolving complaints.

There are no export processing zones. A law to establish a special economic zone in Savannakhet province is under consideration.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced labor except in time of war or national disaster, during which time the State may conscript laborers. The Code also prohibits forced or bonded labor by children under age 15, and generally this is enforced effectively; however, trafficking in women and children is a problem and reports that children are being lured into other countries for sexual exploitation and slave labor continued (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Labor Code, children under age 15 may not be recruited for employment, except to work for their families, provided that such children are not engaged in dangerous or difficult work. Many children help their families on farms or in shops. Child labor is rare in industrial enterprises. The Ministries of Interior and Justice are responsible for enforcing these provisions, but enforcement is ineffective due to a lack of inspectors and other resources. Some garment factories reportedly employ a very small number of underage girls. The Government has not ratified ILO Convention 182 against the worst forms of child labor. The Labor Code prohibits forced and bonded labor performed by children under age 15, and this provision of the law generally is enforced effectively; however, there were reports that children were lured into sexual exploitation and slavery abroad (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Labor Code provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). The Code also provides for at least 1 day of rest per week. The daily minimum wage is \$0.53 (4,000 kip), which is insufficient to provide a decent standard of living for a worker and family. Most civil servants receive inadequate pay. However, few families in the wage economy depend on only one member for income. Some piecework employees, especially on construction sites, earn less than the minimum wage.

The Labor Code provides for safe working conditions and higher compensation for dangerous work. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. The Labor Code also mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. Although workplace inspections reportedly have increased over the past several years, the Ministry of Labor and Social Welfare lacks the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific pro-

vision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There are a number of illegal immigrants in the country, particularly from Vietnam, and they are vulnerable to exploitation by employers. Some illegal immigrant Vietnamese children work selling goods on the streets of Vientiane.

f. Trafficking in Persons.—The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring, and prostitution of persons; however, trafficking in persons, particularly women and children, is a problem. Laos is primarily a country of origin for trafficking in persons and to a lesser extent, a transit country. Although there is no reliable data available on the scope and severity of the problem, rough estimates indicate that from 15,000 to 20,000 Lao girls and young women are trafficked annually for purposes of prostitution mostly to Thailand; some are trafficked to China. Some young men are also victims. Additionally, as many as 100,000 citizens annually travel to Thailand to participate in seasonal agricultural labor and some urban labor as well. Many of these citizens are illegally in Thailand and vulnerable to exploitation; some are trafficked only after their arrival in Thailand. A much smaller number of foreign nationals are transited through Laos, including Burmese to China and Thailand, and Vietnamese to Thailand. In recent years, highland minority women from the interior of the country have become the group most vulnerable to traffickers.

Labor recruiters in the country usually are citizens with experience in cross-border labor and, for the most part, with no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude. They simply may be assisting fellow villagers.

There are no reports of official involvement in trafficking; however, anecdotal evidence suggests that local officials know of trafficking activities and a very few profit from them. At least one major trafficker in the southern part of the country is said to be acting with impunity.

In the past, the Government has prosecuted some persons for involvement in such recruiting activities. During the year, law enforcement agencies conducted a minimal number of raids on entertainment establishments accused of fostering prostitution.

The Ministry of Labor and Social Welfare (MLSW) has a five-person unit devoted to children with special needs, including protection and prevention of trafficking. However, the unit's effectiveness is limited by a small budget, inadequate international assistance, and a lack of trained personnel. The MLSW and the Lao Women's Union have conducted pilot studies on antitrafficking information campaigns. Due to financial constraints the Government has conducted only limited campaigns in a few border towns.

The Government has increased monitoring and educational programs provided by the Lao Women's Union and the Youth Union, both party-sanctioned organizations, designed to educate girls and young women regarding the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere.

Some victims are punished for improper documentation or for crossing the border illegally. The victims have no recourse to relief. Some local authorities have ordered trafficking victims into reeducation seminars and subjected them to substantial fines. The Government remains concerned about children being lured into sexual exploitation and slave labor in other countries, but the Government denied that there were any problems in the country that involve child prostitution. The National Commission for Mothers and Children, established in 1992 and chaired by the Foreign Minister, continues an active program with support from the U.N. Children's Fund. At the Government's invitation, the U.N. Special Rapporteur on Trafficking in Children visited in 1998.

MALAYSIA

Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections in which the ruling National Front coalition has held power for more than 40 years. Opposition parties actively contest elections, but face significant obstacles in competing with the long-entrenched ruling coalition. However, in the November 1999 elections, opposition parties won roughly 25 percent of the seats in the Federal Parliament, and an opposition party also retained control of one state government and gained control of another. The Constitution provides for an independent judiciary; however, government action, constitutional amendments, legislation, and other factors undermine judicial independence and strengthen executive influence over the judiciary. The im-

partiality of the judiciary appeared to improve during the year, as some high-profile decisions were made and controversial decisions and politically-charged cases from previous years were reversed or dropped according to the legal merits of the case.

The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the effective control of the Home Minister. Some members of the police committed human rights abuses.

Malaysia is an advanced developing country with a population of approximately 23 million, an estimated per capita gross domestic product of \$3,850, and an unemployment rate of roughly 3 percent. Following nearly a decade of strong economic growth averaging over 8 percent annually, it was hit hard by the 1997 regional financial and economic crisis. After contracting by 7.5 percent in 1998, the economy began to recover, and expanded 6.1 percent in 1999 and 8.3 percent in 2000. In response to falling demand in export markets, economic growth slowed during the year. Analysts expect the economy to grow from 1 to 3 percent during the year. The Government has continued with its stimulative fiscal and monetary policies. The Government takes an active role in the development of the export-oriented economy. Manufacturing accounts for 31.1 percent of GDP, services for 50.7 percent, agriculture for 8.4 percent, construction for 3.3 percent, and mining for 6.5 percent. Principal manufactured products include semiconductors, consumer electronics, electrical products, textiles, and apparel. Oil and gas, palm oil, natural rubber, cocoa, and tropical timber are also significant contributors to the economy.

The Government generally respected its citizens' rights in some areas; however, its record was poor in a number of other areas, and significant problems remain. Police committed a number of extrajudicial killings, and authorities prosecuted the perpetrators in some of these cases. Police on occasion tortured, beat, or otherwise abused prisoners, detainees, and demonstrators. In 1999, an Inter-Parliamentary Union (IPU) delegation found that prison conditions were not in accord with international norms; the Government subsequently took some steps to improve prison conditions. Conditions in the detention facilities of illegal aliens continued to pose a threat to health, although marginal improvements in food and water rations were reported. The trial of a prominent human rights activist on charges arising from her criticisms of such conditions continued. At year's end, the trial still was ongoing. Police increased their use of the Internal Security Act (ISA) to arrest and detain many persons, including members of the political opposition, without charge or trial. In addition, police continued to use several other statutes to arrest and detain many persons without charge or trial (see Section 1.d.).

Prolonged pretrial detention is a serious problem. Detained criminal suspects often were denied access to legal counsel prior to being charged formally. Many observers expressed serious doubts about the independence and impartiality of the judiciary, especially in high-profile cases. The politically motivated convictions of former Deputy Prime Minister Anwar on charges of corruption and sodomy in 1999 and 2000 demonstrated the judiciary's lack of independence. However, while many observers continued to express doubts about the independence and impartiality of the judiciary, reforms instituted by the new chief justice appear to have led to some improvements in these areas. The remaining libel suits against a U.N. Special Rapporteur on Judicial Independence were dropped during the year. Politically motivated, selective prosecution decreased during the year; however, it continued to be a concern as authorities continued to infringe on citizens' privacy rights in some instances.

Government restrictions, pressure, and intimidation led to a high degree of press self-censorship. The Government continued to limit the publication of an opposition party newspaper, and refused to renew the publication permits of several other political weeklies. It also routinely delayed the release of issues of several foreign weekly magazines. Independent on-line newspapers operated without government interference, but one on-line outlet was subjected to an intermittent government campaign to undermine its credibility. In 1999 a U.N. Special Rapporteur reported that the Government systematically curtailed freedom of expression. The Government did not respond to the report by year's end. The Government increased restrictions on freedom of assembly and some peaceful gatherings, particularly those organized by the political opposition. The threat of slander and libel awards against journalists and media publications diminished during the year; however, these slander and libel awards represented a restraint on press freedom. The Government continues to restrict significantly freedom of association. The Government cracked down on student participation in political activities, and detained several students under the ISA. The Government places some restrictions on religious freedom, in particular the right of Muslims to practice teachings other than Sunni Islam or to convert to other religions. The Government continued to impose some restrictions on freedom of movement. Government policies create significant restrictions on opposi-

tion parties' ability to compete effectively with the ruling coalition. The Election Commission's lack of independence impedes it from effectively enforcing election results and monitoring elections. The Government continued to criticize harshly human rights NGO's, but also met with several such groups during the year. The Government established a National Human Rights Commission in 2000. Despite some limitations on its scope, and a lack of enforcement powers, the Commission established several human rights working groups and in certain cases acted as a credible check on government authority and policy. Despite government efforts, societal violence and discrimination against women remain problems. Sexual abuse of children is a problem, although it is punished severely. Indigenous people face discrimination and often are exploited, especially in regard to land issues. Long-standing policies give preferences to ethnic Malays in many areas, and ethnic minorities face discrimination. Some restrictions on worker rights persist. Child labor persists, although the Government has taken vigorous action against it. The country is a source, transit, and destination country for trafficking in women and girls for the purpose of prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of political killings; however, police committed a number of extrajudicial killings. Police leadership continued efforts to curb such abuses during the year, including inviting the U.N. Human Rights Commission to provide human rights training to police officers and meeting with members of The Human Rights Commission.

At year's end, the press reported that the police had killed 26 persons while apprehending them.

In January 1999, the Bar Council called on the police to implement a standard procedure to investigate every lethal shooting by police; however, the police did not implement such a procedure. By year's end the Government had not formed an independent commission to investigate police killings, as was recommended by a group of 119 domestic NGO's in February 1999. On April 30, police reportedly killed three men suspected of robbery at Subang Mewah, Shah Alam, Selangor. On June 8, police reportedly killed a man suspected of drug dealing, following a high-speed car chase. The police alleged he had tried to ram the patrol car. On August 23, police killed one man and seized an assortment of weapons, drugs and pornographic materials in Melaka.

There were developments in two cases of extrajudicial killing from previous years. In October a negligence suit brought by two girls whose parents (who allegedly were involved in a kidnaping) were shot and killed by police was settled out of court. In May a Coroner's Court ruled that there was no criminal wrongdoing in the fatal shooting at close range by police officers of six men who were shot in 1998.

b. Disappearance.—There were no reports of politically motivated disappearances. By year's end, all of the hostages held by a Filipino militant group had been released and authorities plan to take no further action in these cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—No constitutional provision or law specifically prohibits torture, although laws that prohibit "committing grievous hurt" encompass torture; however, at times some police tortured, beat, and otherwise abused prisoners, detainees, and other citizens. The authorities investigated some police and other officials for such abuses; however, the Government does not release routinely information on the results of investigations, and whether those responsible are punished is not always known.

Police sometimes abuse detainees. There were several press reports of persons who alleged being tortured or mistreated while detained by the police. For example, in March a truck driver suspected of trafficking drugs told the High Court that he was kicked in the ribs and head by police officers until his eyebrows started to bleed. An opposition activist detained in April under the ISA also reported being harshly treated by police while in detention. He said that, among other things, he had been knocked from a chair while handcuffed. In response to such reports, the Government continued to require police to attend community relations and ethics courses to address public concerns over police misconduct.

Malaysian NGO's have stated that police sometimes subject criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention. In June former Police Chief Rahim Noor was released early for good behavior after serving 40 days of his 2-month jail sentence for "causing hurt" to former deputy Prime Minister Anwar Ibrahim. Rahim had pleaded guilty to beating Anwar in 1998 while Anwar was handcuffed and blindfolded in police custody. Charges of attempted assault were reduced as part of a plea bargain. Rahim had earlier paid

a fine of \$525 (RM 2000) for assaulting Anwar. No action has been taken against senior police officers who failed to arrest or report Rahim after the beating.

During the year, there was no response from the Government to charges that psychological pressures and threats of physical coercion had been used in previous years to obtain confessions in the politically sensitive trials of former Deputy Prime Minister Anwar Ibrahim. In July 2000, the case against fashion designer Mior Abdul Razak bin Yahya for fabricating evidence was dismissed as "not amounting to an acquittal," after being postponed four times. Mior had sworn in an affidavit that police had threatened and abused him after he was detained in September 1998, causing him to confess falsely to having had sexual relations with the former Deputy Prime Minister. In February Anwar's codefendant, Sukma Darmawan, testified that he had confessed falsely to a homosexual relationship with Anwar under police pressure in exchange for a promise that he would be released for such testimony. One other alleged homosexual partner of Anwar's gave a consistent description of the psychological and physical abuse used by police to force similar confessions from him. In November Sukma was released from custody, although he was not acquitted of providing false evidence at Anwar's corruption trial.

At year's end, there had not been a government response to the March 1999 police report filed by opposition activist Abdul Malek bin Hussin in which he accused police of torturing him in 1998 while he was detained without charge under the ISA (see Section 1.d.).

During the year, riot police several times forcibly dispersed peaceful demonstrators around the country, using truncheons, water cannons, and tear gas (see Section 2.b.). For example, in February police broke up an opposition event in the state of Kedah with water cannons containing chemically-laced water. In August the Human Rights Commission released a report on police actions during an opposition demonstration in November 2000. The Commission faulted police for inciting some of the violence, attacking the dispersing crowd, and mistreating some of the persons who were detained during the incident. In a separate report on freedom of assembly, a related Commission made detailed recommendations related to the proper policing of public assemblies and called for police officers that used excessive force to be identified and held accountable. There were no reports that the Government has implemented the commission specific recommendations.

Opposition activist Tian Chua claimed that police beat him in August 2000 after they detained him during a demonstration outside the courthouse where Anwar Ibrahim was being convicted and sentenced on sodomy charges. At year's end, there had been no inquiries into the case.

Logging companies reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak (see Section 5).

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes such as narcotics possession, criminal breach of trust, and alien smuggling. Judges routinely include caning in sentences of those convicted of such crimes as kidnaping, rape, and robbery. Some state Islamic laws, which bind only Muslims (see Section 1.e.), also prescribe caning. The caning, which is carried out with a ½-inch-thick wooden cane, commonly causes welts, and it sometimes causes scarring. Male criminals age 50 and above and women are exempted from caning. According to the provisions of the Child Act passed in December, male children may be given up to 10 strokes of a "light cane" (see Section 5).

Prison conditions are poor. During the year, the Human Rights Commission called for prison authorities to provide standard medical treatment and food for prisoners. The authorities in 1999 announced that changes would be made concerning prison conditions, in the wake of a 1999 report by the Inter-Parliamentary Union on the treatment in prison of then political prisoner Lim Guan Eng. The report found that the conditions of Lim's imprisonment did not comply with the U.N. Standard Minimum Rules (Treatment of Prisoners) and the U.N. Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment. The report cited portions of the Minimum Rules that concern light, ventilation, and proper bedding, and Principle 6 of the Body of Principles, which prohibits torture or cruel, inhuman, or degrading treatment. However, the delegation that drafted this report did not visit Lim in prison, and therefore was unable to make direct observations. The Government stated that Lim was detained under the same conditions as other prisoners and in accordance with the colonial-era 1952 Prison Rules and the 1995 Prisons Act, which, the Government contended, met the standards of the U.N. Minimum Rules.

Prison overcrowding is a serious problem. However, after visiting a number of prisons several Human Rights Commissioners said that in general they were satisfied that conditions in those prisons were acceptable. In June the Director General of Prisons said that the country's 34 prisons held 29,000 inmates; The prisons are

designed to have a capacity of 22,000. During the year, a moral rehabilitation center was built, but two promised juvenile reform schools were not. In March 2000, the Deputy Home Minister announced that five more prisons were to be built by 2005. "Security" prisoners (see Section 1.d.) were detained in a separate detention center.

Credible reports by former prisoners indicated that guards at some prisons regularly beat prisoners convicted of criminal offenses.

NGO's and former detainees have made credible allegations of inadequate food, poor medical care and sanitation, and abuse by guards in government camps for illegal immigrants. Conditions are considered to have improved with increased food and water rations, and vitamin B shots for detainees suffering from beri-beri. In past years, there were reports of deaths, poor conditions, and serious abuse of inmates at the camps of Burmese Rohingya illegal immigrants.

Deputy Home Minister Ong Ka Ting told Parliament in 1999 that the Government had completed a review of prison rules and made amendments that would improve the management of prisoners, although no such amendments have been made public. Deputy Prime Minister Abdullah Badawi announced in April 2000 that the Government had spent over \$250,000 (1 million RM) during the year to provide every prisoner with a mattress, although this had not been confirmed by independent monitors by year's end. In August prison officials announced that a number of prison rules would be reviewed. Officials stated that these changes would include allowing female prisoners to keep children with them until age 4 instead of the existing restriction to age 3 and expanding visiting privileges, although none of these changes had been made by year's end.

The law provides that young boys and girls in remand (judicially approved detention) may be placed in prison. The local press reported in September 2000 that children as young as 10 years old were held in prisons for offenses such as petty theft or involvement in school fights. Although kept in a separate cellblock, they reportedly mingled with adult prisoners during communal activities. However, a prison official claimed that the juvenile prisoners, 82 of whom were waiting for their cases to be heard, are kept separately from adult prisoners at all times. In September the Government identified 2,061 juveniles held in 26 prisons throughout the country.

The Government has an agreement with the International Committee of the Red Cross (ICRC) that permits visits to certain categories of prisoners. The ICRC has not been requested to make such visits. Members of the Human Rights Commission visited several prisons during the year, and stated that they were satisfied that conditions were acceptable. According to one ICRC representative, prison conditions do not represent a significant problem. NGO's and the media generally are not permitted to monitor prison conditions. Access to illegal alien detention camps is restricted.

d. Arbitrary Arrest, Detention, or Exile.—Police continued to use several statutes to arrest and detain many persons without charge or trial. Suspects in some crimes (called "sizable offenses") may be arrested without warrants; suspects in other crimes ("nonsizable offenses") may be arrested only based on a warrant from a magistrate. Crimes characterized as bailable offenses permit suspects to present bail at the police station according to a schedule. Bail is not available for nonbailable offenses and sometimes also is denied in other circumstances, for example, great risk of flight. Police may hold suspects for 24 hours without charge. Police may request a magistrate to extend the period of remand without charge for up to 2 weeks. After this extension, the police, if they wish to hold the suspect, must charge him and seek an order of detention from a magistrate. In some cases, police have released suspects under remand and quickly rearrested them on new but similar charges. However, in general police practice is in accord with legal provisions concerning detention.

Police may deny prisoners under remand access to legal counsel and routinely they do so. During this period of remand, police also may question suspects without giving them access to counsel. Police justify this practice as necessary to prevent interference in ongoing investigations. Judicial decisions have generally upheld this practice. Defendants' advocates claimed that the lack of access to counsel seriously weakened defendants' legal rights.

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the Internal Security Act (ISA), the Emergency (Public Order and Prevention of Crime) Ordinance, and the Dangerous Drugs Act (Special Preventive Measures). The ISA, which originally was enacted when there was an active communist insurgency, empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Those released before the end of their detention period are subject to "imposed restricted

conditions” for the remainder of their detention periods. These conditions limited their rights to freedom of speech, association, and travel outside the country.

According to the Government, the goal of the ISA is to control internal subversion. According to the local human rights NGO Suaram, as of November there were 78 persons in detention under the ISA. Deputy Home Minister Datuk Zainal Abidin Zin stated in July that 4,190 persons have been arrested under the ISA since its inception in 1960.

The ISA often is used against what the Government considers nonpolitical crimes, including those against ostensibly “deviant” Muslim groups. The Government states that deviant groups pose a danger to national security because of their radical beliefs. The ISA, and the threat of invoking the ISA, also are used to intimidate and restrict political dissent. The Government increased its use of the ISA during the year, including against members of the political opposition. For example, in April the government used the ISA to detain 10 political activists who were leaders of, or closely associated with, the opposition National Justice Party (Keadilan), claiming that they represented a threat to national security. Six of these individuals received a 2-year detention order and remain in detention. In November, one of these six individuals was released from prison but kept under restricted residence. Two of the detainees who had been released earlier claimed that, during their interrogations while in police custody, they had been questioned only about their political beliefs and personal life but not about the alleged offenses for which they initially had been detained. In July two university students were detained under the ISA for participating in opposition political activities, including protesting against the ISA itself. Both were released within 60 days. In August police detained at least 10 members of an Islamic militant group—the so-called Kumpulan Mujahidin Malaysia (KMM)—under the ISA, for their reported involvement in antigovernment violence and their plans to conduct an antigovernment campaign of violence in the future. A newspaper reported that the group had intended to attack members of a U.S. Navy vessel visiting the country. Some of those arrested are members of the opposition Islamic Party (PAS), and one, the group’s alleged leader, Nik Adli, is also the son of PAS leader and Chief Minister of Kelantan Nik Aziz. Nine of the 10 were ordered detained 2 years by the Home Affairs Minister. An additional six members of a related group were detained under the ISA in October. In December five of these individuals were ordered detained for 2 years by the Home Affairs Minister. The other individual was released without conditions. In 1998 the police detained Anwar Ibrahim and 27 of his followers under the ISA after a series of largely peaceful antigovernment demonstrations. The Government claimed that the demonstrations threatened national security (see Sections 1.e. and 2.b.).

Security authorities sometimes wait several days after detention before informing an ISA detainee’s family. Even when there are no formal charges, the authorities must inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the Home Minister, are not public, and often are not shown to the detainee. In the past, some ISA detainees have refused to participate in the review process under these circumstances.

Amendments to the ISA in 1987 sharply circumscribed judicial review of ISA detentions. Although the Bar Council has in the past asserted that detentions under the ISA should be subject to judicial review on both procedural and substantive grounds, the courts have not concurred with this interpretation, and they review ISA detentions only on technical grounds. Detainees freed on technical grounds nearly always are detained again immediately. However, in May Shah Alam High Court Judge Hishamuddin Mohd Yunus ordered the release of two opposition leaders who were detained in April under the ISA, calling their detentions unlawful and mala fide. In his ruling, the judge said that the police could not simply cite the ISA’s function to “preserve national security” as justification for its use. Additionally, the judge included a special provision in his ruling that forbids the police from re-arresting the two individuals in the first 24 hours after their release. As of the year’s end, the two had not yet been rearrested. The Federal Court agreed to review this decision and that of another High Court Judge who upheld the detentions under the ISA of five other opposition activists. In August, a five-member Federal Court panel ruled that the five defendants could introduce affidavits with fresh information to contest their detentions.

Although there were new procedures announced in 2000 for ISA detention, which included amendments that senior police officials must concur with ISA detentions, by year’s end the procedures were not implemented.

Opposition leaders and human rights organizations continued to call on the Government to repeal the ISA and other legislation that deprived persons of the right to defend themselves in court. For example, in May a group of 71 NGO’s and opposi-

tion parties joined together to form the “Abolish the ISA Movement” (AIM). The group organized conferences, hosted a web site, and staged other events to broadcast its opposition to the ISA. In July it submitted a proposal to Parliament to repeal the ISA. However, during the year, a number of ruling coalition politicians and government officials continued to state that the ISA remained necessary and would not be repealed. In the latter half of the year, the Government stepped up its pro-ISA rhetoric. Prime Minister Mahathir stated in September that the ISA was a necessary tool in combating the country’s own terrorist threat.

Under the Emergency Ordinance the Home Minister may issue a detention order for up to 2 years against a person if he deems it necessary to protect public order, or for the “suppression of violence, or the prevention of crimes involving violence.” In practice the Government has used the Emergency Ordinance for other reasons. According to Suaram, as of July 309 persons had been detained under the ordinance during the year.

Provisions of the Dangerous Drugs Act (Special Preventive Measures) give the Government specific power to detain suspected drug traffickers without trial. Such suspects may be held for up to 39 days before the Home Minister must issue a detention order. Once the Ministry has issued an order, the detainee is entitled to a hearing before a court. In some instances, the judge may order the detainee’s release. Suspects may be held without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the Home Minister. However, the review process contained none of the procedural rights that a defendant would have in a court proceeding. The police frequently detained suspected narcotics traffickers under the Special Preventive Measures after the traffickers were acquitted of formal charges—often as they left the courtroom. As of November, the Government had detained 1,820 persons under this measure. The Government detained over 1,300 persons under this law in 2000.

Immigration laws are used to detain possible illegal aliens without trial or hearing. The detainees are not accorded any administrative or legal hearings and are released only after their employers prove their legal status. Those who were able to produce legal documents normally were released immediately; those who were unable to prove their legal status often were held for extended periods before deportation. Illegal aliens were kept in detention centers that are separate from prisons (see Section 1.c.).

Crowded and understaffed courts often result in lengthy pretrial detention, sometimes lasting several years. In 1998 the Prison’s Director General stated that roughly half of the prison population consisted of prisoners who had not yet been sentenced. Most such prisoners either have been convicted and are awaiting sentence or are in the midst of their trials.

Law enforcement authorities also used the Restricted Residence Act to restrict movements of criminal suspects for an extended period. The act allows the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Ministry is authorized to issue the banishment orders without any judicial or administrative hearings. Human rights activists have questioned the need for this law, which was passed more than 60 years ago (during British sovereignty) under very different circumstances, and they have called for its repeal. The Government has continued to justify the act as a necessary tool and has used it in the past, primarily to combat vice and gambling offenses. The Government has not disclosed how many persons were subject to the Restricted Residence Act and no accurate estimate was available. In April 2000, there were 93 persons held in prison waiting to be placed under restricted residence, and 17 of these persons were released from prison into restricted residence.

Since 1997 the “forgotten prisoners” have been released over a period of two to three years. There are no more “forgotten prisoners” in the country.

Section 396 of the Criminal Procedure Code allows the detention of a person whose testimony as a material witness is necessary in a criminal case, if that person is likely to abscond.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, Government action, constitutional amendments, legislation restricting judicial review, and other factors steadily have eroded judicial independence and strengthened executive influence over the judiciary. In recent years, a number of high-profile cases cast doubts on judicial impartiality and independence, and raised questions of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. Members of the bar, NGO’s, and other observers continued to express serious concern about these problems.

However, many observers believe judicial independence has improved since Tan Sri Mohamed Dzaiddin Abdullah was appointed Chief Justice in December 2000.

Immediately following his appointment, Chief Justice Dzaidin spoke publicly about the importance of restoring public trust in the judiciary and instituted a rotational case-assignment system to ensure the impartiality of judges hearing any given case. Dzaidin also repeatedly has stressed that a judge's loyalty must be to the law rather than to outside factors such as politics. During the year, some high-profile cases were decided according to the legal merits of the case. However, some observers, including the Bar Council, expressed concern about a series of high-level judicial appointments during the year. Former Attorney General Mohtar Abdullah was appointed to the Federal Court and Ahmad Fairuz was appointed Chief Judge of the High Court of Malaya. It also was announced that Gani Patail, the former lead prosecutor during Anwar trials in 1998 and 1999, would succeed Anum Saaid as Attorney General. These observers commented that these developments appeared to indicate that executive encroachment on the judiciary could remain a serious concern.

High courts have original jurisdiction over all criminal cases involving serious crimes and most civil cases. Civil suits involving automobile accidents and landlord-tenant disputes are heard by sessions courts. Juvenile courts try offenders under age 18. The Special Court tries cases against the King and sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, hears appeals of Court of Appeal decisions.

Islamic religious laws administered by state authorities through Islamic courts bind ethnic Malays and other Muslims in some matters. In 1997 the Government announced that it would harmonize Islamic law at the federal level and appoint an Islamic law federal attorney general. However, the Government has not been able to obtain the necessary agreement of all the states and the proposal has not been implemented, though it is still under discussion.

Indigenous peoples in Sarawak and Sabah also have a system of customary law to resolve matters such as land disputes between tribes.

Penghulu (village head) courts may adjudicate minor civil matters, but these rarely are used.

The military has a separate system of courts.

The secular legal system is based on English common law. Trials are public, although judges may order restrictions on press coverage. For example, in the corruption trial of former Deputy Prime Minister Anwar, the judge often restricted press coverage of defense testimony and remarks that might embarrass senior government leaders. However, the judge generally did not restrict press coverage of testimony and remarks that might embarrass Anwar.

Defendants have the right to counsel, bail is sometimes available, and strict rules of evidence apply in court. Witnesses are subject to cross-examination. The defense in both ordinary criminal cases and special security cases is not entitled to a statement of evidence before the trial. In general, limited pretrial discovery in criminal cases hobbles defendants' ability to defend themselves.

Defendants enjoy the presumption of innocence and may appeal court decisions to higher courts. In criminal cases, defendants also may appeal for clemency to the King or local state rulers as appropriate. A single judge hears each criminal trial. There are no jury trials.

A 1997 amendment to the Criminal Procedure Code that may erode defendants' presumption of innocence continued to concern lawyers. Before the 1997 amendment, the prosecution was required to prove its case beyond a reasonable doubt or the defendant would receive a summary dismissal without having to present the defense case. The prosecution only needs to prove a legally sufficient unless disproved case, and the defense must be called. In August 1999, a man was convicted of murder after electing to enter a no defense. The judge ruled that the prosecution had proven a legally sufficient case and, when the man chose to offer no defense, the judge convicted him and sentenced him to death.

The Courts of Judicature Act was amended in 1998 to limit the rights of defendants to appeal in some circumstances. The Government stated that these amendments would expedite the hearing of cases in the upper courts. The president of the Bar Association stated that the amendments imposed too many restrictions on appeals.

The Attorney General may restrict the right to a fair trial in criminal cases by invoking the Essential (Security Cases) Regulations. These regulations governing trial procedure normally apply only in firearm cases. In cases tried under these regulations, the standards for accepting self-incriminating statements by defendants as evidence are less stringent than in normal criminal cases. Also, the authorities may hold the accused for an unspecified time before making formal charges. The Attorney General has the authority to invoke these regulations in other criminal cases if the Government determines that the crime involves national security consider-

ations, but such cases are rare. However, the Essential Regulations were invoked in September 2000 at the beginning of the trial of 29 members of the Al-Ma'unah sect accused of carrying out arms thefts at two army posts in July 2000. Defense lawyers argued that the use of the Essential Regulations was unconstitutional, since no certificate of emergency declaring a national emergency had been issued. The judge ruled that the Attorney General has the discretion to opt to use the Essential Regulations, if he saw fit to do so (see Sections 1.d. and 2.c.).

Even when the Essential Regulations are not invoked, defendants and defense lawyers lack legal protections against interference. For example, during a trial police may call and interrogate witnesses who have given testimony not helpful to the prosecution. Human rights advocates accused police of using this tactic to intimidate witnesses. One instance of this practice led the Bar Council in July 1999 to issue a statement of concern. Police also have used raids and document seizures to harass defendants. Selective prosecution, that is, prosecution based on political rather than legal considerations, is a serious problem in the legal system. According to the law, the decision to prosecute a case rests solely with the Attorney General. In August 1999, the former Chief Justice publicly reminded magistrates and judges not to question the Attorney General's sole discretion to prosecute. Some NGO's have made credible accusations of political interference in the judicial process. However, the Chief Justice has made clear his opposition to the practices of the past and his intention to make the law, rather than political considerations, hold sway over the legal process, including decisions on whether or not to prosecute. Government officials, including the Minister in the Prime Minister's office responsible for legal affairs, have denied that the Attorney General practices selective prosecution.

Selective prosecution has been a problem in the past. In May 1999, the then-Attorney General warned that those accusing the Government of selective prosecution could be charged with sedition or criminal defamation. The Bar Council criticized the then-Attorney General's statement and stated that it showed "a lack of respect or understanding of the concept of democracy and the rule of law." No one was charged with sedition or criminal defamation on such grounds during the year.

Contempt of court charges also have restricted the ability of defendants and their attorneys to defend themselves. However, one case suggests that the use of contempt of court charges against defendants and their attorneys may be changing. For example, Attorney Zainur Zakaria was convicted in 1998 by the High Court for contempt of court after refusing to apologize for filing a brief on behalf of his client, Anwar Ibrahim. The Appeals Court upheld his conviction in 1999. However, in June the Federal Court overturned the conviction, and stated that the High Court Judge, in his initial handling of the case, appeared to be acting as an agent for the prosecution.

Following a number of high-profile corruption cases, the Government amended the AntiCorruption Act in 1997. The law gives the Attorney General powers that impinge on the presumption of innocence and requires accused persons to prove that they acquired their monetary and other assets legally.

Islamic courts do not give equal weight to the testimony of women. Many NGO's have complained that women do not receive fair treatment from Islamic courts, especially in matters of divorce.

In June the three remaining defamation suits against the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Datuk Param Cumaraswamy, were dropped. Param originally faced four such suits. In August 2000, a judge agreed with an April 1999 International Court of Justice ruling that Param's U.N. status gave him immunity from the first suit. The suits stemmed from an article in which Param and former Malaysian Bar Council President Tommy Thomas argued that certain companies, law firms and individuals enjoyed improper preferential treatment in the courts. Thomas was convicted in 1998 and sentenced to 6 months in prison. However, in April the Court of Appeal converted his jail sentence into a \$2,500 (RM 10,000) fine. Thomas paid his fine, and the case was closed.

The cases against former Deputy Prime Minister Anwar Ibrahim and some of his associates, and against Irene Fernandez (see Section 2.a.), raised serious questions about judicial independence and impartiality. Nonetheless, the Courts did not rule exclusively in favor of the Government. A Member of Parliament (M.P.) from the ruling coalition government was convicted in 2000 and fined more than \$2,600 (10,000 RM) on a contempt charge. However, in August the Appeals court set aside his conviction.

Former Deputy Prime Minister Anwar Ibrahim is a political prisoner because he was charged, tried, and convicted in a legal process that was politically motivated and patently unfair. In September 1998, after a political conflict, Prime Minister Mahathir Mohammad removed Anwar as Deputy Prime Minister. Later the same month, after a large and mostly peaceful demonstration in which he called for

Mahathir's resignation, Anwar was detained for alleged corruption and sodomy. Many observers believe the government manufactured these charges and used them to remove Anwar, who appeared to be gaining popular support after he was fired, from the political scene. While in detention, Anwar was beaten by the former Inspector General of Police Rahim Noor (see Section 1.c.).

For several days, Anwar was denied medical treatment for the injuries that he received at the hands of Rahim. Presumably to avoid bringing a visibly injured Anwar to court, police changed Anwar's status to "detention without charge" under the Internal Security Act. Anwar's status subsequently was changed again to criminal detention.

During Anwar's corruption trial, the judge made several questionable rulings that greatly limited Anwar's ability to defend himself. For example, the judge sentenced one of Anwar's attorneys to 3 months' imprisonment for contempt after the attorney raised in court charges of prosecutorial misconduct. The judge greatly restricted the scope of Anwar's defense (on occasions during the trial, the judge explicitly said that he did not care if there was a conspiracy to bring down Anwar) and tolerated improper activities by the police and prosecutors. The judge allowed prosecutors to amend the charges in the middle of the trial, which is permitted under the law but in this case was unfair to Anwar. Anwar was denied the ability to rebut evidence of sexual misconduct presented by prosecution witnesses when the judge, at the end of the prosecution's case, allowed prosecutors to amend the charges, and then expunged the record of all evidence of sexual misconduct. Since his arrest, Anwar has been denied bail on questionable legal grounds.

At the beginning of the sodomy trial, prosecutors changed the dates of the alleged acts of sodomy, allegedly because the defense had discovered that the apartment building where the sodomy allegedly took place had not been completed by the original dates. Despite testimony detailing how police had coerced a confession from an alleged homosexual partner, in July 1999, the judge ruled that the prosecution had proven beyond a reasonable doubt that this confession had been voluntary. A few days later, another witness admitted that police had coached part of his testimony. In August 1999, the lead police investigator materially contradicted his testimony (in order to make it consistent with the amended dates of the alleged offense); the next day, the judge ruled that the policeman had not lied. In April 2000, the judge ruled that the Prime Minister, who was called by the defense in an attempt to prove a political conspiracy against Anwar, would not be required to testify. Defense attorneys maintained that they were not permitted by the judge to call a number of desired witnesses. The defense claimed that the judge exerted pressure to bring the trial to an early conclusion. In his written ruling, which was released in June, the judge said that the testimony of the chief prosecution witness—widely viewed as deeply flawed and lacking credibility—was as solid as the "Rock of Gibraltar."

In 1999 Anwar was convicted on four counts of corruption and sentenced to 6 years in prison. In April 2000, Anwar's appeal of the conviction and sentence was denied by the Court of Appeals. His appeal to Federal Court, the country's highest court, was postponed at the request of his lawyers while Anwar was in the hospital being treated for a slipped disk in his back. In August 2000, Anwar was convicted on a separate charge of sodomy and sentenced to 9 years in prison, to be served consecutively with the 6-year sentence that Anwar received for corruption. Anwar's lawyers requested that this conviction be reviewed by the Appeals Court. At year's end, the date for this appeal has not yet been set. On May 12, the High Court acquitted Anwar of the four remaining charges of sodomy and one charge of corruption that were pending against him after the prosecution withdrew the charges against the former Deputy Prime Minister. Most observers believe this was because the charges were without basis and would have resulted in further government embarrassment should they have been aired in open court. The Federal Court was scheduled to hear Anwar's appeal on the remaining corruption charges in November, but the appeal again was postponed, and no new date had been scheduled as of year's end.

Anwar will be disqualified from holding any public office for 5 years once he completes his 15-year sentence, unless he wins his appeals.

Anwar's conviction and sentence were criticized strongly by opposition parties, human rights groups, and a number of foreign governments and international human rights organizations. For example, the Malaysian Bar Council criticized the trial, citing irregularities in the evidence, and characterized the sentence as "manifestly excessive and harsh." After spending nearly 6 months in a hospital receiving treatment for a slipped disk in his back, Anwar was sent back to prison in May. Anwar remained in prison at year's end. He is permitted to receive visits from only his family and lawyers. According to the law, Anwar is a "common criminal" rather

than a political prisoner, and therefore does not have the right to receive visits from international human rights organizations.

In a May public statement, the Human Rights Commission stated that there were no laws prohibiting Anwar from being sent abroad for the medical treatment of his choice. The Government has denied Anwar's request for medical treatment abroad.

Anwar Ibrahim is a political prisoner. In addition, the five individuals associated with the Anwar-based National Justice Party who were arrested in April and who remained in detention under the ISA at year's end, are political detainees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation (see Section 1.d.) allow the police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these acts. In some cases each year, police use this legal authority to search homes and offices, seize books and papers, monitor conversations, and take persons into custody without a warrant.

A clause in the Anticorruption Act empowers the Attorney General to authorize the interception of mail and the wiretapping of telephones. Observers have indicated that such information would be admissible as evidence in a corruption trial.

The law permits the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for a 2-year period (see Section 1.d.).

The Government bans membership in unregistered political parties and in unregistered organizations (see Section 2.b.).

Certain religious issues pose significant obstacles to marriage between Muslims and adherents of other religions (see Section 2.c.).

Muslim couples must take premarital courses. In previous years, women's activists complained that the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage (see Section 5). However, there were no reports during the year of such misinformation regarding marriage rights.

In previous years, two state governments sought to restrict Muslim women's dress; however, no state government acted further on this issue during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, some important legal limitations exist, and the Government restricts freedom of expression and intimidates most of the print and electronic media into practicing self-censorship.

The Constitution provides that freedom of speech may be restricted by legislation "in the interest of security (or) public order." For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. In practice the Sedition Act, the Official Secrets Act, criminal defamation laws, and some other laws have been used to restrict or intimidate dissenting political speech.

In 1999 the U.N. Special Rapporteur on Freedom of Opinion and Expression issued a report stating that freedom of opinion was curtailed systematically in the country. The Special Rapporteur stated that the Internal Security Act, the Sedition Act, and the Printing Presses and Publications Act were used to suppress or repress expression and curb peaceful assembly. He further stated that defamation laws "appear to be having a very chilling effect." The Government stated that the Special Rapporteur's report was "baseless and distorted."

The Prime Minister and other senior officials continued to ascribe seditious or treasonous motives to critics of government policies, although many persons still criticized the Government publicly.

Throughout the year, Government officials warned that political parties that raised sensitive issues threatened national stability and would be charged under the Sedition Act. However, government and ruling party officials sometimes made statements on sensitive racial and religious issues with no repercussions. The Youth Chief of the National Justice Party (Keadilan), Ezam Noor, was charged with sedition in March for his alleged call for street demonstrations to topple the Government. Noor's trial was ongoing at year's end. Opposition politician Marina Yusoff, charged with sedition for comments she made about the 1969 racial violence while campaigning for Parliament in 1999, was fined 1,300 (5,000 RM) in March. The trial of opposition leader and prominent attorney Karpal Singh, charged with sedition for statements he made in court during his legal defense of Anwar Ibrahim, began in October and continued at year's end. Both Karpal and Marina were charged under the Sedition Act, which carries a maximum fine of just over 1,300 (5,000 RM), or 3 years' imprisonment, or both.

The Official Secrets Act (OSA) also restricts freedom of expression. In the past, the Bar Council and other NGO's have called for a review of certain provisions of the OSA that grant considerable discretion to the authorities. Opposition leaders historically have accused the Government of using the OSA to cover up corruption. In January 2000 Ezam Noor, previously a former Anwar aide and youth chief of the opposition National Justice Party, was charged under the OSA with disclosing to reporters secret AntiCorruption Agency (ACA) reports. Ezam stated publicly in August 1999 that Anwar had stored abroad documents that corroborated charges of corruption against senior government leaders. Ezam claimed that the reports showed that the ACA was not pursuing corruption cases against senior government officials. Ezam's case went to trial in August, but it was postponed and was ongoing at year's end. In March 2000 a government official stated in Parliament that only six persons have been arrested under the OSA since its inception in 1972, and he claimed that this statistic proved that the Government does not use the OSA to silence critics.

In January 2000, the editor and printer of Harakah, the newspaper of the opposition Islamic party, Parti Islam Se-Malaysia (PAS), were charged with sedition in connection with an 1999 Harakah article that quoted an opposition politician's comments on the confession of Sukma Darawaman, Anwar Ibrahim's codefendant in Anwar's sodomy trial. The printer pled guilty in May and was fined slightly over \$1,000 (4,000 RM). The editor's case still is pending.

In March 2000, the Melaka state government announced that it had terminated the contracts of an undetermined number of panel doctors, architects, and lawyers, and blacklisted contractors who allegedly were aligned with opposition parties. The state government also closed accounts in banks where the staff were accused of criticizing the Government. In July 2000, the Penang state government also blacklisted contractors for their alleged involvement in antigovernment activities, such as supporting or funding opposition parties. Opposition parties and NGO's criticized these actions as discriminatory, claiming that such steps were inconsistent with the demands of a democratic society.

During 2000 many government officials, opposition figures, and private citizens filed multimillion-dollar lawsuits for libel and slander. In May 1999, the Bar Council stated that the proliferation of multimillion-dollar libel and slander lawsuits "would end up stifling the freedom of speech." In July 2000, the Federal Court upheld a judgment of over \$250,000 (1 million RM) against a freelance journalist who had been sued for libel by a wealthy businessman in 1994. In an unprecedented move, during the year, the Federal Court (under the new Chief Justice) agreed to review this decision. The date of this review had not yet been set at year's end. The Minister in the Prime Minister's Department responsible for legal affairs told reporters in September 2000 that the Government would review the defamation law in response to public concern over libel awards which, he noted, frequently exceeded damages handed down in personal injury cases. At year's end, the Government continued to review the issue; however, no results were reported.

The English and Malay mainstream press provide generally laudatory, uncritical coverage of government officials and policies, and usually give only limited and selective coverage to political views of the opposition or political rivals. Editorial opinion almost always reflects government positions on domestic and international issues. Chinese-language newspapers generally have been freer in reporting and commenting on sensitive political and social issues, but they are not immune to government pressure. There was widespread concern that the purchase in May of two major Chinese-language dailies by the investment arm of the ruling coalition's most influential Chinese party would restrict this freedom and transform the newspapers into publishers of progovernment propaganda. These concerns were magnified when the top management of one of the dailies was removed immediately following the takeover. During the year, several newspaper vendors have been the target of official raids for selling opposition party newspapers. However, self-censorship and biased reporting in the print media was not uniform and the English-, Malay-, and Chinese-language press all, at times, provided balanced reporting on sensitive issues. Chinese-language newspapers generally have been freer to report and comment on sensitive political and social issues.

The Printing Presses and Publications Act limits press freedom. Under the act, domestic and foreign publications must apply annually to the Government for a permit. The act was amended to make the publication of "malicious news" a punishable offense, to expand the Government's power to ban or restrict publications, and to prohibit court challenges to suspension or revocation of publication permits. Government power over license renewal and other policies creates an atmosphere that inhibits independent or investigative journalism and results in extensive self-censorship. In April 2000, the Deputy Home Minister stated in Parliament that from 1996 through March 2000, action had been taken under the Act against 164 publishers.

Government officials continue to argue that the act has helped preserve harmony and promote peaceful coexistence in a multiracial country. In August 2000, the Minister in the Prime Minister's Department responsible for legal affairs stated that the act would not be repealed, even if a national press council were established to regulate the media. In August the Deputy Home Minister stated that his Ministry approved 2,141 publishing permits and 1,194 printing press licenses during the year and that this showed that the Government had a liberal approach to such permits.

The Government often conveyed its displeasure with press reporting directly to a newspaper's board of directors or chief editors. In addition, leading political figures in the ruling coalition, or companies controlled by them, own most major newspapers, thus limiting the range of views. At times the susceptibility of the press to government pressure has a direct and public impact on operations. For example, in January 2000 the group editor in chief of a local press conglomerate was removed after its flagship newspaper, the *New Straits Times*, carried several articles that reportedly angered the UMNO Supreme Council. However, this individual was appointed in September as chairman of Bernama, the national news agency.

On World Press Freedom Day in May, a series of speakers called for the repeal or revision of restrictive press laws, including the Printing Press and Publications Act, the Sedition Act, the Official Secrets Act, and the Internal Security Act, which make it difficult for journalists to obtain the information they need and to report objectively. There was little government response to the Press Freedom Day events, although the Prime Minister reaffirmed his intention to strengthen the press laws.

The Government continued to prosecute human rights activist Irene Fernandez under the Printing Presses and Publications Act for charges that she made in 1995 of mistreatment of detainees at illegal alien detention centers. Fernandez's supporters accuse the Government of purposely prolonging the trial, the longest in the country's history, to harass Fernandez. At year's end, the trial continued (see Section 1.e.).

The Government also sometimes directly restricts the dissemination of information that it deems embarrassing or prejudicial to national interests. The Government continued its policy of not allowing public disclosure of air pollution index-readings. In February 1999, the Government forbade all state health departments from commenting on the outbreak of a deadly virus. The Government later restricted reporters' access to sites of the outbreak. However, the issue was reported widely.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies. However, the Government retained significant influence over these publications by requiring the annual renewal of publishing permits and limiting circulation only to members of the relevant organization. Several times in 1999, senior government leaders publicly warned the publishers of *Harakah*, the Islamic opposition party's newspaper, not to print "slandorous" remarks and to limit distribution to party members (as the law requires). *Harakah* also has been the target of several ruling party-sponsored libel suits. In December 1999, the Home Ministry issued a letter to *Harakah*'s publisher asking him to explain why *Harakah* should not be banned for violating the terms of the publishing permit. *Harakah* stated that it would abide by the Home Ministry directive and the newspaper generally no longer is sold openly. The circulation of *Harakah* rivals that of mainstream newspapers. *Harakah* was the only major Malay and English language media forum for opposition views. In March 2000, the Government stipulated that *Harakah* publish only twice a month instead of twice a week. Several other opposition newsletters are published and distributed without government permission.

For most of the year, there were two exclusively on-line newspapers, although another one that was forced to shut down in December 2000 due to financial difficulties was reestablished in June under a different name. Most major newspapers have an online edition. Exclusively online newspapers do not require publication permits; however, the Government denies their reporters press accreditation to cover government functions and ministers' press conferences, and refuses their admission into government buildings. The Government engaged in a sometimes intimidating campaign to discredit the independent Internet daily, *malaysiakini.com*, winner of an International Press Institute 2001 Press Freedom Award. According to Human Rights Watch, on February 11, an Information Ministry official stated that *malaysiakini.com* would be barred from covering government press conferences "because their credibility is doubtful." However, this policy was not systematically implemented. HRW also reported on May 23, the Deputy Home Affairs Minister told Parliament that the Government was monitoring "every article" published by *malaysiakini.com* to ensure that its writings did not upset public order. However, readership of on-line newspapers continued to increase.

Printers, who also must have their permits renewed annually, often were reluctant to print publications that were critical of the Government.

Both legal magazines (those with publishing permits) and illegal publications (those lacking publishing permits) frequently printed criticism of the Government. In November, police raided a printing company and seized several thousand pamphlets that criticized the Selangor state chief minister.

During the year, the foreign press continued to be a target and the Government interfered with the release and distribution of several foreign magazines, including the *Far Eastern Economic Review* and *Asiaweek*. Throughout the year, *Asiaweek* in particular was routinely subject to delays of up to 4 weeks before receiving government permission to distribute its weekly issues. Government officials, including the Prime Minister, continued to accuse the foreign media of harboring ill intentions toward the country and of deliberately misrepresenting the country's political and economic environment by focusing on negative news.

The electronic media is restricted more tightly than the print media. Radio and television almost uniformly are laudatory of the Government. News on the opposition is restricted tightly and reported in a biased fashion. In July 1999, the Deputy Information Minister stated candidly that government television and radio channels would not broadcast the views of opposition parties. He stated that opposition parties were welcome to use private news stations or apply for broadcasting licenses of their own. In fact, the two private television stations have close ties to the ruling coalition and are unlikely to provide a forum for the opposition parties; and it also is unlikely that the Government would grant the opposition a broadcasting license. In April 2000, the Deputy Information Minister stated that the opposition would be allowed access to government media only if the opposition had "anything specific or good to say." The Government has not approved a longstanding license application for a state radio station in the opposition-controlled state of Kelantan.

A government censorship board censors films for profanity, nudity, sex, violence, and certain political and religious content. Television stations censor programming in line with government guidelines. The Government bans certain books for political and religious reasons or because of sexual or profane content. Some foreign newspapers and magazines are banned and, infrequently, foreign magazines or newspapers are censored, most often for sexual content. However, the increased prevalence of the Internet is undermining such restrictions. The Government maintains a "blacklist" of local and foreign performers, politicians, and religious leaders who may not appear on television or radio broadcasts. In August the Government announced that it would increase efforts to block the production, distribution, and sales of video compact discs (VCDs), especially those with pornographic and political content.

The Communications and Multimedia Act (CMA), which came into force in April 1999, requires certain Internet and other network service providers to obtain a license. In December 2000, the Government stated that it did not intend to impose controls on Internet use, but noted that it would punish the "misuse" of information technology under the CMA, which, while prohibiting censorship, provides for "legal action" against those who post defamatory and false information on the Internet. The Government has not used licensing provisions under the CMA to interfere with Internet access or to restrict Internet content.

Government officials continued to make contradictory comments about the desirability of censoring the Internet. In 2000 the Deputy Home Affairs Minister announced that his Ministry was drafting a new law that would allow legal action to be taken against those believed to be responsible for spreading "misleading information" and pornography via the Internet. However, the Information Minister stated that the Government had no plans to censor the Internet. The Minister in the Prime Minister's Department responsible for legal affairs stated in September 2000 that, while the Internet would not be censored, users remained subject to the law, and anyone who defamed another over the Internet or made seditious comments still could face legal action. However, during the year he mentioned the need for a law specifically designed for Internet commerce and communication.

The Government generally restricts remarks or publications that might incite racial or religious disharmony; it also attempts to restrict the content of sermons at government-affiliated mosques. Some state governments ban certain Muslim clergymen from delivering sermons (see Section 2.c.). In December 1999, Prime Minister Mahathir stated that the Government should find ways to prevent the opposition from "spreading lies" at mosques. That same month, Deputy Prime Minister Abdullah instructed the Religious Affairs Department to conduct background checks on religious speakers. Throughout the year, government officials and ruling coalition politicians complained that opposition Islamic party members were giving political sermons in mosques around the country.

In May 2000, members of the opposition Islamic party were banned by the Selangor state government from giving speeches in all mosques, government buildings, and prayer places in the state.

In July the Government ceased issuing permits for political gatherings (see Section 2.b.). This significantly limited the ability of opposition parties, particularly the Islamic party, to communicate with their supporters and to raise funds for their activities. Nonetheless, some opposition rallies continued to be held. In July the Government began to crack down on the distribution and sale of the opposition party's VCD's and audiocassettes.

The Government places some restrictions on academic freedom, particularly regarding the expression of unapproved political views, and the Government forced restrictions on teachers and students who expressed dissenting views. Academics sometimes are publicly critical of the Government. However, there is self-censorship among public university academics whose career advancement and funding depend on the Government. In August a secondary school teacher in the state of Terengganu was charged with sedition for asking his students to answer a test question regarding the erosion of judicial independence in Malaysia.

Throughout the year, senior government officials stated that teachers who opposed the Government and students who took part in antigovernment activities would face disciplinary actions, including dismissal and expulsion. In October, the Education Minister announced that 61 university lecturers had been dismissed, transferred or issued warnings for alleged "anti-government" activities. Throughout the year, several university students were expelled or suspended for engaging in activities associated with the political opposition. Private institution academics practiced self-censorship as well, due to fear that the Government might revoke licenses for their institutions. The law also imposes limitations on student associations and student and faculty political activity (see Section 2.b.). A university vice chancellor must approve campus demonstrations.

Also in July, the Government detained two students at the University of Malaya and the Mara Technical Institute under the ISA for engaging in opposition political activities, including demonstrating against the ISA. The two were released before the initial 60-day period had elapsed. The Government claimed that student participation in opposition politics threatened national security, and argued that individuals fortunate enough to be enrolled in the university should focus exclusively on their studies. Opposition leaders stated that the crackdown on political expression on campus would stifle students' intellectual development.

The Government has long stated that students should be apolitical and has used that assertion as a basis for denying opposition parties access to student forums. According to student leaders, students who sign antigovernment petitions sometimes are expelled or fined. The Government enforces this policy selectively; however, it does not refrain from spreading government views on political issues among students and teachers.

In February 1999, the University of Malaya declined to renew the contract of Professor Chandra Muzaffar. Chandra, a well-known supporter of political reform and a longtime government critic, charged that the University had fired him for political reasons. The university stated that it had declined to renew Chandra's contract for economic and personnel reasons. In June 1999, the High Court agreed to hear Chandra's application to reverse the university's decision. His case was pending at year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government places significant restrictions on this right. This right may be limited in the interest of security and public order, and the Police Act requires police permits for all public assemblies except for workers on picket lines. The decision to grant a permit theoretically rests with the district police chief; however, in practice senior police officials and political leaders influence the grant or denial of some permits. Police grant permits routinely to government and ruling coalition supporters; however, they use a more restrictive policy with government critics, although the police have granted permits for many opposition meetings. In July the Government ceased issuing permits for all political meetings (*ceramah*) throughout the country. This was perceived widely as an effort to target the activities of the political opposition, although some opposition rallies continued to be held.

Even before the July ban on political meetings, opposition leaders frequently alleged that police issue permits for public assemblies in an unfair manner that discriminates against the opposition. Various state and local police departments rebutted these allegations by providing statistics that indicated that most requests for permits are granted; however, in certain sensitive cases political considerations led to the denial of permits. Police reaction to opposition rallies that ignored the re-

quirement for a permit or were held after the Government denied a permit varied. In some instances, persons were told to disband immediately or face police action. In other instances, persons were given time to conduct their activities and were not threatened with police action. Opposition politicians note that ruling coalition parties frequently assemble without the requisite permits.

In a series of pro-Anwar opposition demonstrations held since 1999, police have arrested hundreds of demonstrators, including many peaceful demonstrators. Many of these demonstrators later were acquitted, but a handful were convicted, with sentences ranging from 1 to 3 months in addition to a fine. Among those arrested were many opposition party leaders. Police detained them under the Police Act allegedly for participating in an illegal assembly and under the Penal Code allegedly for causing a riot.

In February police broke up an opposition event in the state of Kedah with water cannons that used chemically-laced water. This was one of the first instances in which riot police were called to break up a political gathering outside of Kuala Lumpur. In April the police mounted an operation to prevent citizens from participating in a Kuala Lumpur demonstration called by the opposition to commemorate the 2-year anniversary of Anwar Ibrahim's 1999 conviction on corruption charges. Police set up roadblocks and monitored bus stations, train stations, and airports to turn back suspected opposition supporters. In the days prior to the event, police also detained seven opposition activists under the ISA, and claimed that they were planning a massive, violent demonstration to overthrow the Government. Three others were detained in the days after the demonstration. Those detained included Keadilan leaders Ezam Noor, Tian Chua, N. Gobalakrishnan, and Free Anwar Campaign Director Raja Petra. Despite these efforts, a crowd of more than 1,000 persons gathered on April 15 in Kuala Lumpur at the steps of building which houses the National Human Rights Commission. After leaders of the political opposition presented a petition to several Commissioners protesting the treatment of Anwar and the use of the ISA to curb dissent, the crowd dispersed peacefully. While hundreds of riot police surrounded the area, there was no violence and there were no arrests reported during the event.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion criticized the Government's use of various laws to curb peaceful assembly (see Section 2.a.).

In April the Human Rights Commission issued its first report on the human rights situation in the country, and made a series of recommendations to improve the country's observance of human rights. Loosening restrictions on freedom of assembly was one of the Commission's principal recommendations. The report noted the need to approve applications for peaceful assemblies as a general rule; to identify specific public spaces for these assemblies; to simplify application procedures; and to have law enforcement maintain a discreet presence during peaceful assemblies. In August the Human Rights Commission released a separate report specifically addressing freedom of assembly. Highlighting the fact that the right of assembly is enshrined in the Constitution, the report recommended easing police permits for gatherings, setting up a special "speaker's corner," and reviewing laws that restrict the right to free assembly. The Government responded by calling the report "biased and idealistic" and influenced by "western liberal thinking."

The Constitution provides for the right of association; however, the Government places significant restrictions on this right and certain statutes limited this right. Under the Societies Act, only registered, approved organizations of seven or more persons may function as societies. The Government sometimes refuses to register organizations or may impose conditions when allowing a society to register. For example, the Government did not allow Amnesty International to set up a branch as an NGO. However, AI incorporated itself as a business, and it was able to function much like an NGO. The Government prohibits the Communist Party and affiliated organizations (see Section 1.f.). The Government also has the power to revoke the registration of an existing society for violations of the act, a power that it has enforced selectively against political opposition groups. In July government officials stated that the Government would prosecute or deregister societies that do not accurately declare whether they receive foreign funds. This threat of possible deregistration inhibits political activism.

To avoid the burdensome requirements of the Societies Act, many NGO's register as companies under the Companies Act or as businesses under the Registration of Businesses Act. In July, Parliament amended the Registration of Businesses Act to enable the Registrar to revoke or refuse the registration of organizations deemed to be engaging in unlawful activities or for purposes that are incompatible with national security. Some human rights activists claimed that this could be used to restrict NGO's that are critical of the Government. Amendments to the Companies Act passed in 1998 empowered the Registrar of Companies to refuse registration of a

proposed company if he is satisfied that the company is likely to be used for any purpose prejudicial to national security or the public interest. The Registrar also may cancel the registration of an existing company and disband it on the same grounds. Opposition parties and NGO activists claim that the sweeping powers granted to the Registrar of Companies were designed to stifle criticism. The Government denied such charges and stated that financial irregularities were the amendments' main target. However, later police statements alluded to the status of certain NGO's under the Companies or Societies Acts, which some perceived as a threat. In 1999 the Deputy Home Minister notified Parliament that the Government had revoked the registration of 981 societies under the Societies Act since 1966. No human rights NGO has had its registration revoked in recent years.

In August 2000 the High Court heard an appeal from the Socialist Party of Malaysia, whose application to form a new political party had been rejected in February 1999 by the Registrar of Societies. The Registrar stated that information on the application form was incomplete. Supporters of the Socialist Party claimed that the denial was politically motivated and filed an appeal. The case still was pending at year's end.

The Bar Council continues to be the target of government criticism in some instances; however, Government-Bar relations improved during the year.

In February the Minister in the Prime Minister's Department overseeing legal affairs, Rais Yatim, spoke at a Bar Council seminar on the importance of making the law work for citizens. In the past, the Government has threatened to expand legally the membership of the Bar Council to include government lawyers and legal professors. Some members of the Council feared that such a measure would dilute the Council's independence. No such measures had been implemented by year's end. The Council also expressed reservations about a government proposal to establish an Academy of Law, but the Chief Justice supported the idea as a good way to strengthen communication among different players within the legal system.

The Universities and University Colleges Act also restricted freedom of association. This act mandates university approval for student associations and prohibits student associations, as well as faculty members, from engaging in political activity. During the year, several students were suspended from universities for political activities (see Section 2.a.). Restrictions are not enforced as vigorously on students who participate in political activities in support of the ruling coalition. A university vice chancellor must approve campus demonstrations. Many students, NGO's, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government stated that the act still is necessary.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government places some restrictions on this right. Islam is the official religion; however, the practice of Islamic beliefs other than Sunni Islam is restricted significantly. Religious minorities, which include large Buddhist, Christian, Hindu, and Sikh communities, generally worship freely, although with some restrictions. Government funds support an Islamic religious establishment, and it is official policy to "infuse Islamic values" into the administration of the country. The Government imposes Islamic religious law (Shari'a) on Muslims only in some matters and it does not impose Shari'a beyond the Muslim community. Adherence to Islam is considered intrinsic to Malay ethnic identity and therefore Islamic religious laws administered by state authorities through Islamic courts bind all ethnic Malays (and other Muslims) in some matters. The Government also grants funds to non-Islamic religions, but to a more limited degree.

The Registrar of Societies, under the Ministry of Home Affairs, registers religious organizations. Registration enables organizations to receive government grants and other benefits. In May, the Government decided not to approve the Falun Gong Preparatory Committee's application to register as a legal organization.

For Muslims, particularly ethnic Malays, the right to leave the Islamic faith and adhere to another religion is controversial. The legal process of conversion is unclear; in law and in practice, it is very difficult for Muslims to change religions. In March 1999, the country's highest court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religions. According to the ruling, the religious conversion of Muslims is solely within the jurisdiction of Shari'a courts. In April, a High Court judge rejected the application of a Malay woman who argued that she had converted to Christianity, and requested that the term "Islam" be removed from her identity card. The judge ruled that an ethnic Malay is defined by the federal Constitution as a "person who professes the religion of Islam." The judge also reaffirmed the March 1999 High court ruling and stated that only an Islamic court has jurisdiction to rule on the woman's supposed renunciation of Islam and

conversion to Christianity. The ruling makes conversion of Muslims nearly impossible in practice.

In 2000 the state of Perlis enacted a law that stipulated that Muslims found guilty of apostasy by a Shari'a court are to be sent to "faith rehabilitation centers." At year's end, there had been no convictions under this law. Such a bill also has been proposed at the highest level of the Government. Leaders of the opposition Islamic Party have said that the penalty for apostasy should be death.

The Government generally respects non-Muslims' right of worship; however, state governments carefully control the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. Approvals for such permits sometimes were granted very slowly. In 1999 the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS) protested the planned implementation of Ministry of Housing and local government guidelines governing non-Muslim places of worship. The MCCBCHS specifically complained that the guidelines required an area to have at least 2,000 to 5,000 adherents of a particular non-Muslim faith for a non-Muslim place of worship to be approved. No such requirement exists for Muslim places of worship. In August 2000, these minimum guidelines were relaxed somewhat. The group also argued that, under the guidelines, the state Islamic council must approve the establishment of all non-Muslim places of worship. In addition, after years of complaints by non-Islamic religious organizations about the need for Islamic authorities in each state to approve construction of non-Islamic religious institutions, the Minister of Housing and Local Government announced that such approval no longer would be required. However, it is unclear whether this change generally is reflected in state policies and local decisions. For example, in Shah Alam, the Selangor state authorities have continued to block the construction of a Catholic Church.

During the controversy over the proposed new guidelines on non-Muslim places of worship, the MCCBCHS and the Federal Territory Counseling and Service Center separately urged the Prime Minister to create a national "inter-religious" council, although no such council had been created by year's end.

The proselytizing of Muslims by members of other religions is prohibited strictly; persons proselytizing non-Muslims face no obstacles. The Government discouraged, and in practical terms forbade, the circulation in the peninsular region of the country of Malay-language translations of the Bible and distribution of Christian tapes and printed materials in Malay. However, Malay-language Christian materials can be found. Some states have laws that prohibit the use of Malay-language religious terms by Christians, but the authorities do not always enforce them actively. The distribution of Malay-language Christian materials faced few restrictions in east Malaysia. Most visas for foreign Christian clergy are approved. Beginning in March 2000, non-Muslim representatives sit on the immigration committee that approves such visa requests.

The Government opposes what it considers to be deviant interpretations of Islam, maintaining that the "deviant" groups' extreme views endanger national security. In the past, the Government imposed restrictions on certain Islamic groups, primarily the small number of Shi'a. The Government continues to monitor the activities of the Shi'a minority, including those of 55 religious groups believed to be involved in deviant Islamic teachings. In November 2000, the Shari'a high court in the state of Kelantan sentenced four persons to 3 years in jail for disregarding a lower court order to "recant" their allegedly heretical Islamic beliefs and "return to the true teachings of Islam." The High Court rejected their argument that Shari'a law had no jurisdiction over them because they had ceased to be Muslims.

The Government periodically detains members of what it considers Islamic deviant sects without trial or charge under the ISA. After release, such detainees are subject to restrictions on their movement and residence. For example, in July 2000, the Government detained under the ISA at least 33 members of the Al-Ma'unah sect who reportedly were not suspected of involvement in early July arms thefts. Fifteen remained under ISA detention at year's end (see Sections 1.d. and 1.e.).

The Government generally restricts remarks or publications that might incite racial or religious disharmony. This includes some statements and publications critical of particular religions, especially Islam. The Government also restricts the content of sermons at mosques. The Government periodically warns against those who deliver sermons in mosques for "political ends" and, occasionally, state governments banned certain Muslim clergymen from delivering sermons at mosques (see Section 2.a.).

After the 1999 national elections, the Government significantly expanded efforts to restrict the activities of the Islamic opposition party at mosques. The Government justified such measures as necessary to oppose the "politicization of religion" by the opposition. In October 2000, the Chief Minister of Kelantan, who is also the spir-

itual adviser for the opposition Islamic party PAS, was banned from speaking at a mosque in Selangor. The Chief Minister spoke despite the ban and vowed that he would continue to speak wherever he was invited. He was warned of prosecution if he defied the ban again. The mosque officers who allegedly allowed him to speak were not prosecuted, but they were required to attend a counseling session.

For Muslim children, religious education according to a government-approved curriculum is compulsory. There are no restrictions on home instruction.

In June 2000, the Government announced that all Muslim civil servants must attend religious classes, but only classes in Islam would be held. In addition only teachers approved by the Government would be employed to conduct these classes. During the year, the Government implemented this rule on civil servants.

In family and religious matters, all Muslims are subject to Shari'a law. According to some women's rights activists, women are subject to discriminatory interpretations of Shari'a law and inconsistent application of the law from state to state.

The Government has a comprehensive system of preferences for ethnic Malays and members of a few other groups known collectively as "bumiputras," most of whom are Muslim (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally have the right to travel, live, and work where they please; however, the Government restricts these rights in some circumstances. The East Malaysian states of Sabah and Sarawak have the right to control immigration and to require citizens from peninsular Malaysia and foreigners to present passports or national identity cards for entry. In 1998 the Court of Appeal ruled that Sabah and Sarawak, despite their autonomy, still are bound by the federal Constitution in all matters. Thus, the court voided Sabah's expulsion of an attorney from peninsular Malaysia who had been involved in several lawsuits against the state government. In May 1999, the Sabah state government filed an appeal of the ruling, which still is pending. In May the Government reportedly prohibited 78 citizens from traveling abroad claiming that they had "tarnished the country's image while abroad." Deputy Home Minister Datuk Zainal Abidin Zin told Parliament that the individuals in question had been "blacklisted" and would not be issued passports. In January a well-known ethnic Chinese education activist was deported from Sarawak and prohibited from returning. The Government regulates the internal movement of provisionally released ISA detainees (see Section 1.d.). The Government also uses the Restricted Residence Act to limit movements of those suspected of some criminal activities (see Section 1.d.).

Citizens must apply for the Government's permission to travel to Israel. Travel to Jerusalem for a religious purpose is allowed explicitly.

The Government has not ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government rejected customary international law in this area. The Government does not recognize the principle of first asylum; however, it sometimes grants temporary refuge to asylum seekers. In February Foreign Minister Datuk Seri Syed Hamid Albar stated that Indonesian refugees fleeing violence in Kalimantan would be prevented from entering the country. The Government continues to refuse to acknowledge that any Indonesian illegal aliens, including Acehnese, have a claim to refugee status. However, the Government has not made a concerted attempt to find and detain illegal Acehnese or other Indonesians. In 1998 the Government forcibly returned several hundred Acehnese, despite representations from the UNHCR and the international community and evidence that the Acehnese might face human rights abuses upon return to Indonesia.

In past years there were reports of deaths, poor conditions and serious abuse of inmates at the camps for illegal Burmese Rohingyas (see Section 1.c.).

The Government did not restrict the access of undetained asylum seekers to the UNHCR office and cooperated in the resettlement of some refugees. However, the Government only infrequently granted the UNHCR and other humanitarian organizations access to detained aliens. There were some forced expulsions of asylum seekers and refugees during the year.

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

By law citizens have the right to change their government through periodic elections; however, while votes generally are recorded accurately, there are some irregularities that affect the fairness of elections, and in practice opposition parties are unable to compete on equal terms with the governing coalition (which has held power at the national level since 1957) because of significant restrictions on campaigning, freedom of assembly, freedom of association, and access to the media. Nevertheless, opposition candidates campaign actively, with some success in state and national elections. In the November 1999 elections, the opposition more than dou-

bled the number of its seats in the national parliament from 20 to 45, out of a total of 193. In December 2000, the opposition won a seat in the Kedah state assembly in a tightly contested by-election. A number of opposition parties contested the state elections in Sarawak in September.

Malaysia has a parliamentary system of government. National elections are required at least every 5 years and have been held regularly since independence in 1957. The Malay-based United Malay National Organization party dominates the ruling National Front coalition, which has ruled the country continuously since independence. Since 1969 the National Front coalition always has maintained at least a two-thirds majority in Parliament, which enabled the Government to amend the Constitution at will. Over the years, power increasingly has been concentrated in the executive branch, and in the Prime Minister.

The lack of equal access to the media was the most serious problem encountered by the opposition in the November 1999 elections (see Section 2.a.). Government officials frankly stated that government television and radio would not carry reporting on the opposition. The country's two private television stations also had virtually no impartial reporting on the opposition. The mainstream English-language and Malay-language newspapers carried biased coverage of domestic politics as well. In addition opposition parties encountered difficulties in placing paid advertisements in newspapers; however, a few opposition advertisements did appear, after editing by the newspapers, in English- and Chinese-language newspapers.

Opposition leaders credibly claimed that the Election Commission, which is responsible for holding and monitoring elections, did not carry out its duties impartially. The Election Commission is nominally independent, but is perceived to be under the control of the Government. In June 1999, Deputy Prime Minister and Home Minister Datuk Seri Abdullah Badawi stated that there was no need to consult the opposition on the appointment of a new Election Commission chairman. Opposition leaders stated that Prime Minister Mahathir's remark that same month that the Government would "not entertain" an opposition demand for a long campaign period in upcoming elections demonstrated the lack of independence of the Election Commission (the Commission has the sole power to set the length of the campaign period). After the 1999 elections, several government officials publicly disputed opposition claims that the Election Commission was biased. Some members of the ruling coalition charged that individual Commission officials supported opposition candidates.

Opposition complaints of irregularities by election officials and allegations of other election fraud during the 1999 campaign were not substantiated during the year, and according to most observers, there was no evidence that the conduct of election officers significantly affected the results of the 1999 elections. Opposition leaders complained that local government officials who served as election officers were not always neutral. The Election Commission later announced that it completed its investigation into these complaints, but it did not reveal its findings. The Government did not permit international monitoring or adequately allow for domestic NGO monitoring efforts during the elections. (The last time that foreign observers monitored elections was in 1990).

Opposition parties and some NGO's also alleged that defective voting rolls led to some fraudulent votes. In the Sabah state elections in March 1999, opposition leaders accused the ruling coalition of employing "phantom" voters (illegal aliens and other fraudulently documented voters). In June a High Court judge in Sabah ruled that the 1999 election of BN candidate Yong Teck Lee to the state assembly seat in Likas was null and void due to the presence of phantom voters on the electoral rolls. However, in the by-election that followed, Yong won by a margin wider than that of his 1999 victory. Opposition representatives charged that the Government did nothing to clean the electoral rolls of phantom voters following the judge's ruling and before the by-election was held. Analysis by NGO's of the voting roll used in the national elections also revealed irregularities, such as deceased persons on the rolls, multiple voters registered under single identity card numbers, and other anomalies; however, according to most observers, there is no evidence that these irregularities significantly affected the results in more than a handful of races. The Government did not respond to post-election calls by an election-monitoring NGO for a national re-registration exercise to produce a clean electoral roll.

Postal votes (absentee ballots) by police and military personnel and their spouses also are a concern. The Government, citing security concerns, does not allow party agents to monitor postal vote boxes placed on military and police installations. Opposition parties questioned the rationale for such security restrictions. Opposition parties and NGO's have raised credible allegations of improper manipulation of postal votes, including statements by former military personnel that their ballots were filled out by others or under the eye of commanding officers. For the November

1999 elections, the Election Commission changed some procedures to allow better monitoring by Election Commission officers. Opposition parties continued to call for monitoring of absentee votes by party agents.

The anonymity of balloting also is a potential concern. Ballots are marked with a serial number that could be matched against a voter's name. While there is no evidence that the Government ever has traced individual votes, some opposition leaders have alleged that the potential to do so has a chilling effect on some voters, particularly civil servants.

Gerrymandering diluted the votes of some citizens. The Constitution states that parliamentary constituencies should have roughly equal numbers of eligible voters, although the same section states that greater weight should be given to rural constituencies. In practice these guidelines often are ignored. For example, in Sabah constituencies are weighted strongly against the state's large Christian population. Nationwide, the constitutional provision giving greater weight to rural constituencies greatly dilutes the voting power of urban residents. The single member, winner-take-all system also diminishes the political power of the minority groups. Because of the changing dynamics of ethnic politics, ethnic gerrymandering of parliamentary constituencies, used against the opposition in the past, is believed to no longer be as great an advantage to the ruling coalition.

Other government measures hamper the opposition's ability to compete with the incumbent ruling coalition. For example, the Government on several occasions issued public warnings to civil servants, including teachers (see Section 2.a.) not to support the opposition. Students face certain restrictions on political activity (see Sections 2.a. and 2.b.). Government leaders routinely and openly threatened to suspend the allocation of federal funds beyond the constitutionally mandated minimum to constituencies that elected opposition representatives. Ruling coalition Members of Parliament received a government allocation totaling in aggregate roughly \$25 million (95 million RM). Opposition Members of Parliament receive no such funds. In July 1999, a government minister told Parliament that the money only was given to ruling coalition Members of Parliament because it came from the Government.

The opposition has complained in the past about restrictions on public assemblies during the campaign period (see Section 2.b.). However, in the period prior to the November 1999 elections, police did not implement restrictions vigorously, and the opposition held many large rallies. The opposition also has stated that the short official campaign period gives an advantage to the incumbent ruling coalition. However, de facto campaigning began long before the elections, and there is little evidence that the short official campaign period had much practical effect. In defending its July ban on all political meetings, the Government noted that there was no need for the opposition to continue campaigning in a nonelection year.

In June the Minister in the Prime Minister's office responsible for justice said his Ministry was preparing an amendment to the Election Offences Act to require all those interested in contesting elections to sign an oath pledging not to raise sensitive issues such as religion or race in election campaigns.

In 1999, a group of NGO's formed an independent election watch organization. The Election Commission stated that the NGO's were free to do so, but the organization was accorded no special privileges. The Government continued to publicly reject the idea of foreign observers.

Under the electoral law, unsuccessful candidates may appeal election results to special election courts in instances of alleged fraud, vote tampering, or other infractions of electoral rules. However, in July the Government proposed tabling an amendment to the electoral law that would prevent judicial scrutiny of formalized election results. After the November 1999 elections, 21 petitions were filed by losing candidates from both the ruling and opposition coalitions. According to the Elections Commission, all petitions were dismissed. In March 2000, the High Court ruled that the Election Commission and returning officers may not be named as "necessary parties" in petitions filed with election courts by unsuccessful candidates.

In the past, within the ruling UMNO party, there was active political debate. "No-contest" rules for leadership positions and generally increased intolerance of dissent limited but did not eliminate UMNO's role as a vehicle for public debate. However, after the removal of Deputy Prime Minister Anwar in 1998, intolerance of dissent within UMNO increased, and an extraordinary UMNO Assembly in 1998 approved a series of measures designed to limit independent grassroots initiatives. There were no contests for the top two leadership positions in UMNO in 2000 and no party Supreme Council elections during the year. At the UMNO General Assembly in May 2000, 3 vice president slots and 25 elected seats on the Supreme Council were contested vigorously, with a number of candidates known not to be favored by party leaders; however, it had been announced before the General Assembly that there

would be no contest for the party president and deputy president, positions held respectively by Prime Minister Mahathir and Deputy Prime Minister Abdullah.

Over the years, Parliament's function as a deliberative body has deteriorated. Legislation proposed by the Government rarely is amended or rejected. Legislation proposed by the opposition never is given serious consideration. Opposition opportunities to hold legislation up to public scrutiny have diminished. In December, a Member of Parliament from the opposition Democratic Action Party was suspended without pay for 6 months after publicly criticizing the parliamentary speaker for disallowing discussion concerning corruption in the process of certifying lawyers. The Parliament in 1995 amended its rules to strengthen the power of the Speaker and curb parliamentary procedures heavily used by the opposition. The amendments empowered the Speaker to ban members he considered unruly for up to 10 days, imposed limits on deputies' ability to pose supplementary questions and revisit non-germane issues, and established restrictions on the tabling of questions of public importance. Further measures in 1997 and 1998 limited members' opportunities to question and debate government policies even more severely. In August an amendment to the parliamentary Standing Orders permitted the Speaker to edit written copies of members' speeches before the speeches are delivered. Nonetheless, government officials often faced sharp questioning in Parliament, although this was not always reported in detail in the mainstream press.

State assemblies also limited debate. After the 1969 intercommunal riots, the Government abolished elected local government in favor of municipal committees and village chiefs appointed by state governments. Some politicians and NGO activists have advocated the reintroduction of local government elections. Even some ruling party municipal officials have noted that local bodies are simply "rubber stamps" for the Government.

Women face no legal limits on participation in government and politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. At year's end, 3 of 28 cabinet ministers were women. Women hold 20 of 193 seats in the elected lower house of Parliament, and they hold 19 of 69 seats in the appointed upper house. In January the Prime Minister established the new Ministry of Women's Affairs and Family Development, and appointed a prominent female politician as its first Minister. In May 2000, Tan Sri Doctor Zeti assumed the post of Central Bank Governor. She is the first woman to be appointed to the post. In December 2000, the King announced the appointment of Ainum Mohamed Saaid as the new Attorney General, the first woman to hold that position. Originally appointed for a 2-year term beginning in January, Ainum, citing ill health, resigned in November, and was replaced at the end of the year. In 1998 the Minister of National Unity and Social Development stated that the country would not achieve its goal of 30 percent female representation in the Government by 2005. The Minister stated that the 1998 rate of participation (defined as the percentage of female representatives in Parliament and in state assemblies) was 6 to 7 percent. The Islamic opposition party does not allow female candidates to stand as candidates for the lower house; however, the Party has a female senator. In the past, it has supported female candidates of other parties.

Ethnic minorities are represented in cabinet-level positions in Government, as well as in senior civil service positions. The percentage of minorities in government and politics roughly corresponds to their percentage of the population. The political dominance of the Malay majority means in practice that ethnic Malays hold the most powerful senior leadership positions. Non-Malays fill 9 of the 28 cabinet posts and 15 of 28 deputy minister positions. An ethnic Chinese leader of a component party of the ruling coalition holds executive power in the state of Penang.

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

A number of NGO's, including the Bar Council and other public interest groups, devoted considerable attention to human rights. The Government generally tolerates their activities but often does not respond to their inquiries or press statements. However, Government officials met with NGO's on several occasions during the year. Government officials harshly criticize domestic NGO's for collaborating with foreigners, including international human rights organizations. Nonetheless, at year's end, no group had been banned or decertified. In the past, public apathy and racial divisions (non-Malays had dominated most domestic human rights NGO's) limited the effectiveness of NGO's. However, public discontent over the 1998 removal and subsequent imprisonment of Deputy Prime Minister Anwar encouraged some NGO's to speak out against the Government, and it has led to the increased involvement of ethnic Malays in NGO activity.

In 1998 the Government amended the Companies Act to grant the Registrar of Companies wide powers to block or disband organizations deemed prejudicial to national security or the national interest. In July Parliament amended the Registration of Businesses Act to enable the Registrar to refuse or revoke the registration of organizations deemed to be engaging in unlawful activities (see Section 2.b.).

The Government generally does not allow international human rights organizations to form branches; however, it usually does not restrict access by representatives of international human rights organizations. AI has registered itself as a private company. Several foreign human rights observers have attended sessions of Anwar's two trials.

Since its establishment in April 2000, the National Human Rights Commission has come to be seen by many analysts as a credible monitor of the human rights situation in the country and a check on police activities that lacked previous oversight. The Commission's chairman, Tan Sri Musa Hitam, enjoys broad nonpartisan credibility, and the other Commissioners generally are perceived to be serious and committed to the objectives of the Commission. However, the legislation that created the commission defines human rights as "the fundamental liberties provided for" in the Constitution and restricts the application of the Universal Declaration of Human Rights to those provisions consistent with the Constitution. In 1999, prior to the Commission's creation, opposition leaders and NGO's, including the Bar Council, criticized the definition of human rights as too narrow. Further, the Commission is not empowered to inquire into allegations relating to ongoing court cases and must cease its inquiry if an allegation under investigation becomes the subject matter of a court case.

In April the Commission released its first annual Human Rights Report. The report contended that growing political awareness in the country would challenge the Government to enlarge the space for civil and political rights in the country. The report also identifies restrictions on freedom of assembly and expression, detentions without trial, and discrimination against women, among other issues. In addition to recommending that the Government take steps to permit freedom of assembly, it calls for the Government to ratify three international human rights instruments, namely the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Political Rights; and the Convention against Torture.

During the year, Commissioners traveled throughout the country to educate community leaders, including police officials, on the purposes of the Commission and the importance of human rights. Commissioners also made several visits to prisons throughout the country to monitor conditions there. The Commission issued press statements and held press conferences after several of their visits; however, the Commission had not published its findings at year's end. Immediately following the detention under the ISA of the opposition activists in April, the Commission issued a unanimous statement calling on the Government to release the detainees or to charge them in open court. In July several Commissioners criticized the Government's use of the ISA to detain several university students (see Sections 2.a. and 2.b.). In a May public statement, the Human Rights Commission stated there were no laws prohibiting Anwar from being sent abroad for the medical treatment of his choice. The statement highlighted the fact that Anwar was in prison for what are typically bailable offenses, and would have had access to the medical treatment of his choice had he been released on bail. In August the Commission released a report calling on the Government to ease restrictions and review laws on public assembly. Also in August, the Commission released its report on police action during the pro-opposition demonstration in a Kuala Lumpur suburb in November 2000. The report highlighted incidents of police violence, including against members of a crowd that was already dispersing, and of police mistreatment of some individuals who had been detained during the event.

Many of the Commission's actions and statements have challenged governmental authority and angered government officials, including the Prime Minister. In its responses to Commission actions, the Government often has underscored the legal impotence of the Commission and accused it of overstepping the boundaries of its authority. Responding to the August report on the opposition demonstration, for example, the Prime Minister defended the actions of police and accused the Commission of being influenced by Western thinking.

Although initially skeptical of the Commission, some civil society representatives and leaders of the political opposition have applauded the quasi-governmental body for its willingness to take independent stands on important human rights issues and for working to uphold human rights. Many observers acknowledged that the Commission had become a credible check on police authority where none existed before. Some saw it as among the few institutions in society with any ability to challenge,

however distantly, executive control. Others accused the Commission of refusing to take on serious issues and failing to assert its legal authority at critical times. Among other criticisms, political activists mention the Commission's unwillingness to look into the inter-ethnic violence in the Kuala Lumpur slum of Kampung Medan, and human rights NGO's note the Commission's failure to insist on gaining timely access to the individuals detained in April under the ISA. In October Suhakam Chairman Musa Hitam was criticized by NGO's and by opposition politicians for suggesting that human rights would need to take a "back seat" in the fight against terrorism.

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

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on religion, race, descent, or place of birth. On August 1, the Parliament unanimously approved a Constitutional amendment barring discrimination on the basis of sex. However, discrimination based on some factors persists. For example, government policies give preferences to ethnic Malays in housing, home ownership, the awarding of government contracts, educational scholarships, and other areas. Neither the Constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the Government has promoted greater public acceptance and integration of the disabled.

Women.—Violence against women remains a problem. Spousal abuse has drawn considerable government, NGO, and press attention. According to the Royal Malaysian Police, there were 3,468 cases of domestic violence reported in 2000; however, the Government had not released comprehensive statistics on domestic violence by year's end.

The Domestic Violence Act addresses violence against women in the home. However, women's groups criticized the act as inadequate and called for amendments to strengthen it. In their view, the act fails to protect women in immediate danger by requiring separate reports of abuse to be filed with both the Welfare Department and the police. This requirement causes delay in the issuance of a restraining order against the perpetrator. Women's rights activists also highlighted the fact that because the act is a part of the Penal Code, legal protection for victims is limited to cases in which visible evidence of physical injury is present, despite its interpretation to include sexual and psychological abuse. In April 2000 the Government announced plans to review weaknesses in the law and eliminate legal loopholes; however, the Government had taken no action by year's end.

Although the Government, NGO's, and political parties have established shelters and offer other assistance to battered spouses, activists asserted that support mechanisms for victims of domestic violence remain inadequate. Police responses and sensitivity to complaints of domestic violence have improved, but women's rights activists claim that the police need additional training in handling domestic abuse as well as rape cases.

Domestic violence complaints are rare under Islamic law. Some Shari'a experts have urged Muslim women to become more aware of the provisions of Shari'a that prohibit spousal abuse and provide for divorces on grounds of physical cruelty. Nonetheless, Shari'a generally (each state has a separate code) prohibits wives from disobeying the lawful orders of their husbands. These provisions often present an obstacle to women pursuing claims, including charges of abuse, in Shari'a courts against their husbands, though Muslim women are able to file complaints in the civil courts.

Spousal rape is not a crime. Theoretically a man who raped his wife could face charges of assault; however, women's rights activists claim that no man has been convicted in such circumstances.

Reports of rape are common in the press and among women's rights groups and NGO's. In December 1999, a women's NGO issued a report that stated that the incidence of rape had increased 48 percent in the 5-year period from 1993 to 1998; more than 50 percent of rape victims are under age 16. Statistics from the Royal Malaysian Police show 1,354 reported cases of rape during the year. Many Government hospitals have set up crisis centers where victims of rape and domestic abuse can make reports without going to a police station. NGO's and political parties also cooperate in providing counseling for rape victims. Nonetheless, cultural attitudes and a perceived lack of sympathy from the largely male police force lead many victims not to report rapes. According to the Ministry of Women and Family Development and a leading women's NGO, only 10 percent of rape cases are reported to the police. In a 2000 study involving 417 court files from 7 state capitals and Kuala Lumpur, even when alleged rape is reported, only 1 in 5 cases is heard in court, and only 1 percent of the reported cases resulted in a rape conviction. Some rapists

receive heavy punishments, including caning, but women's groups complain that some rapists receive inadequate punishments. The Penal Code states that a convicted rapist shall be punished with imprisonment for a term not less than 5 years and not more than 20 years.

Female genital mutilation (FGM) is condemned widely by international health experts as damaging to both physical and psychological health. According to a well known women's NGO activist, some girls in provincial areas are subject to varying forms of FGM. Some Malay girls receive a tiny ritual cut to the clitoris or participate in a ceremony where a blade is brought close to the clitoris. Almost all Malay women, including Muslim women's activists, do not believe that this constitutes mutilation or reduces a woman's future capacity for sexual pleasure.

A 1998 International Labor Organization (ILO) study estimated that there were roughly 40,000 to 140,000 prostitutes in the country. The Government strongly disputed this estimate, and the police stated that they would investigate NGO's that might have provided the information that formed the basis of the study. Since prostitution itself is not illegal, statistics are only available for foreigners arrested for immigration or other offenses with suspected involvement in prostitution. The Royal Malaysian police arrested 2,338 foreign women with suspected involvement in prostitution during 2000 (see Section 6.f.). Sex tourism is not legal, and the level of such activity is not believed to be high.

The number of foreign persons arrested with suspected involvement in prostitution is increasing. Police attribute the increase to more vigorous enforcement efforts. Police also believed that the increasing number of arrests was a result of greater numbers of women trafficked to the country from countries of the former Soviet Union (see Section 6.f.).

The country is a source and destination country for trafficking in women for purposes of prostitution (see Section 6.f.).

In August 1999, the Ministry of Human Resources issued a Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. Women's groups noted the Code's detailed definition of sexual harassment and attempted to raise public awareness of the problem, but they criticized the fact that adherence to the code is voluntary and not legally binding. Women's rights activists claimed that a law on sexual harassment would be more effective than a code of practice. In the first year following the issuance of the Code, the Human Resources Minister advocated voluntary compliance by employers and advised unions to incorporate policies against sexual harassment into their collective labor agreements. The Malaysian Employers Federation has criticized publicly any attempt to legislate against sexual harassment in the workplace, arguing that government-imposed policies would unduly restrict the management of labor relations.

Since the Code's introduction the number of reported incidents of sexual harassment has risen. The number of cases reported to the Labor Department in 2000 was 61, more than double the 29 cases reported in 1999. However, the Human Resources Ministry acknowledged in 2000 that shame and embarrassment of the victim often prevent women from reporting sexual harassment. There still are many cultural obstacles to women who try to pursue sexual harassment charges.

Despite increased public awareness of the problem of sexual harassment in the workplace, the Government acknowledged in August 2000 that the reluctance of employers to adopt the Code may force it to enact additional legislation regarding sexual harassment. According to Women and Family Development Minister Shahrizat, only 1 percent of registered companies the country had adopted the code by September. Shahrizat stated in September that her Ministry would conduct a review of the Code's effectiveness in March 2002. In August Human Resources Minister announced the creation of a special monitoring unit in the Labor Department to monitor and investigate discriminatory practices, including sexual harassment, against women in the workplace.

Despite this year's approval of a constitutional amendment banning discrimination based on sex, women continue to be the victims of legal discrimination.

In matters of income tax, government pension benefits, and transmission of citizenship, women are disadvantaged. The cultural and religious traditions of the major ethnic groups also heavily influence the condition of women in society. In family and religious matters, Muslim women are subject to Shari'a, which is not practiced uniformly among the country's 13 states. Polygyny is allowed and practiced to a limited degree. Islamic inheritance law varies by state, but it generally favors male offspring and relatives. However, one state, Negeri Sembilan, provides for matrilineal inheritance. The number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent, while small, is increasing steadily.

In August a new Constitutional amendment was enacted, supposedly rendering gender discrimination in immigration policy illegal. Prior to the change, foreign spouses of male citizens and female citizens were treated differently under the law. Male citizens faced fewer legal and administrative obstacles to obtaining permanent residency status for their foreign wives than female citizens with foreign husbands did. While the change allows some foreign men to acquire permanent residence, the new regulations would not apply to foreign laborers who marry female citizens. In addition, foreign women who become estranged or divorced from their citizen husbands would no longer face deportation. These women would be eligible for 12-month social visit passes, and they would be able to apply for permanent residency.

Women's rights advocates assert that women still face discriminatory treatment in Islamic courts due to prejudicial interpretation of Islamic family law against women and to the lack of uniformity in the implementation of family laws among the various states. An April 1999 press report described complaints by NGO's and women's groups of rude and insensitive treatment by staff and officers of Islamic courts. Women activists assert that these problems continue.

Muslim couples are required to take premarital courses.

State governments in Kelantan and Terengganu, which are controlled by the Islamic opposition party, made efforts to restrict Muslim women's dress in 2000, but there were no reports of additional restrictions on dress or punitive action against women not adhering to the dress code during the year. The Terengganu state government introduced a dress code in 2000 for government employees and workers on business premises. Terengganu's executive counselor in charge of women's and non-Muslim's affairs claimed that the dress code was designed to protect the image of Muslim women and to promote Islam as a way of life. One Muslim women's NGO criticized the new requirement, stating that forced compliance with a state mandated dress code is not consistent with the values of the Koran, although the law is not known to have been enforced. According to an online resource, Muslim women have previously been fined in Kelantan for not wearing a head covering, although independent sources were unable to verify this report.

Non-Muslim women are subject to civil (secular) law. Changes in the Civil Marriage and Divorce Act increased the protection of married women's rights, especially those married under customary rites. The Guardianship of Women's and Infants Act was amended in 1999 to give mothers equal parental rights. Four states extended the provisions of the amended bill to Muslim mothers. Women's groups urged all states to do the same. In 1999 the Land and Cooperative Development Ministry announced that it was considering amending the Group Settlement Act to give wives of settlers a stake in the land awarded to their husbands, but no change has been implemented.

In January the Prime Minister established a Cabinet post for Women's Affairs and Family Development. Shahrizat Abdul Jalil heads the new ministry and is credited with leading the successful effort to amend the federal Constitution to prohibit sex discrimination and launching a public campaign in August against violence in the home.

Government policy supports women's rights and the Government has undertaken a number of initiatives to promote equality for women. The Government also promotes the full and equal participation of women in education and the work force. Women are represented in growing numbers in the professions, but women's groups argue that the level of participation is still disproportionately low; however, in the scientific and medical fields, women make up more than half of all university graduates and the total representation of women at universities increased from 29 percent in 1970 to over 50 percent of the student population in recent years. According to statistics released in the Government's Economic Report 2000-01, which was published by the Ministry of Finance, women constitute 44 percent of the labor force. The proportion of women in the civil service rose from roughly 33 percent in 1990 to roughly 44 percent during the year, and women occupy some high-ranking civil service positions. In 1999 Malaysian Trade Union Congress President Zainal Rampak urged trade unions to fulfill the ILO policy of filling 30 percent of leadership positions with women. According to the national union of bank employees, 65 percent of members are women, but only one out of eight principal officials is a woman.

Children.—The Government has demonstrated a commitment to children's rights and welfare; it spends roughly 20 percent of the national budget on education. The Government provides free education for children through the age of 15. Although primary education is deemed compulsory by the Government, there is no legal requirement or enforcement mechanism governing school attendance. Actual attendance at primary school is 96 percent. Secondary school attendance is 82 percent. A

variety of programs provide low cost health care for most children. An office in the Ministry of National Unity and Social Development oversees children's issues.

In December 2000, Parliament passed the Child Act of 2000; however, the act has not yet entered into force. The act incorporates the principles of the U.N. Convention of the Rights of the Child, which the Government has ratified. The act stipulates heavier punishments for child abuse, molestation, neglect, and abandonment. It also mandates the formation of a children's court, which, the Government stated, would better protect the interests of children. The bill allows caning, but this punishment is limited to male children, who may receive a maximum of 10 strokes with a "light cane." Entry into force of the new law would repeal three other laws governing child prostitution, child abuse, and delinquency, including the Women and Girls Protection Act, the Juvenile Courts Act, and the Child Protection Act.

The Government recognizes that sexual exploitation of children and incest are problems. Incest in particular is a problem in rural areas. Child abuse receives wide coverage in the press. The Government sternly prosecutes cases of child abuse, and child molesters receive heavy jail sentences and caning. However, under the Evidence Act, the testimony of children is accepted only if there is corroborating evidence. This poses special problems for molestation cases in which the child victim is the only witness. Some judges and others have recommended that the Evidence Act be amended to accept the testimony of children and that courts implement special procedures to hear the testimony of children. In August 1999, a physician who studies child abuse acknowledged publicly that sexual abuse of children occurred in the country. In July a women's NGO began promoting an education package about child sexual abuse. The package of booklets, videos and discussion topics are designed for use in primary schools. Forty schools have asked to use the materials, and the NGO hopes the Ministry of Education will to introduce the package into the curriculum of all primary schools.

Statutory rape occurs and is prosecuted. However, Islamic law provisions that consider a Muslim girl an adult after she has had her first menstruation sometimes complicate prosecution of statutory rape. Such a girl may be charged with "khalwat" or "close proximity" (the charge usually used to prosecute premarital or extramarital sexual relations), even if she is under the age of 18 and her partner is an adult. Thus, Shari'a sometimes punishes the victims of statutory rape. Moreover, Shari'a courts sometimes are more lenient with males who are charged with "close proximity." However, in many cases Muslim men are charged and punished for statutory rape under secular law.

Child prostitution exists. However, child prostitutes often are treated as delinquents rather than victims. In 1998 the Minister of National Unity and Social Development stated that 150 to 160 underage girls are detained each year for involvement in immoral activities and sent to rehabilitation centers. Statistics for the apprehension of traffickers are not available (see Section 6.f.).

Child labor occurs in certain areas of the country (see Section 6.d.).

Persons with Disabilities.—The Government does not discriminate against persons with disabilities in employment, education, and provision of other state services. However, few public facilities are adapted to the needs of persons with disabilities, and the Government has not mandated accessibility to transportation or public buildings for persons with disabilities. In August 1999, former Minister of National Unity and Social Development Zaleha said that only 10 percent of residential and commercial buildings were "disabled-friendly." In September 1999, Zaleha announced a cabinet decision to require that 10 percent of houses in all new housing projects be accessible to persons with disabilities. In December 1999, Zaleha reportedly stated that "all buildings" would be made accessible to persons with disabilities within 2 years, although it is not possible to verify that all buildings are accessible to persons with disabilities.

The Government continued to implement efforts made to address the needs of persons with disabilities. In October 2000, the Ministry of Housing and Local Government announced that the uniform building by-laws would be amended to ensure that all newly constructed buildings include a full range of facilities for persons with disabilities, including special parking lots, elevators, and restrooms. By year's end, it was not possible to verify whether building by-laws had been amended. In November 2000, the Human Resources Ministry announced plans to draft a code of ethics for employers to address the needs of persons with disabilities including additional employment opportunities, job discrimination, and disabled-friendly work environments. In November, the Ministry of Human Resources published the code of ethics. In addition the federal budget for the year included several provisions to ease financial burdens on persons with disabilities and improve work, education, and training opportunities. In November 2000, the Human Rights Commission recommended

amending the Constitution's antidiscrimination provision to include legal protection for persons with disabilities, but no amendments have been introduced.

Special education schools exist, but they are not sufficient to meet the needs of persons with disabilities population. The Government and the general public are becoming more sensitive to the needs of persons with disabilities. The Government has undertaken many initiatives to promote public acceptance of persons with disabilities, to make public facilities more accessible to persons with disabilities, and to increase budgetary allotments for programs aimed at aiding them. Provisions for persons with disabilities in the 2001 budget include several allowances for tax relief for working spouses of persons with disabilities, full exemption for all medical fees at government hospitals, and full exemption on fees for travel documents. All equipment designed specifically for use by persons with disabilities would also be exempt from all import duties and sales taxes. Recognizing that public transportation is not disabled-friendly, the Government is reducing the excise duty for persons with disabilities on locally made cars and motorcycles by 50 percent.

In 1999 an NGO representing persons with disabilities stated that the persons with disabilities make up 7 percent of the population. Persons with disabilities do not enjoy explicit legal protection against discrimination.

Indigenous People.—Indigenous people (that is, the descendants of the original inhabitants of peninsular region of the country and the Borneo states) generally enjoy the same constitutional rights as the rest of the population. However, in practice federal laws pertaining to indigenous people of the peninsular region known as the Orang Asli vest almost total power in the Minister for Rural Development (who oversees the Department of Orang Asli Affairs) to protect, control, and otherwise decide issues concerning this group. The indigenous people of the Borneo states have no special government department dedicated to their concerns. As a result, indigenous people, particularly in peninsular Malaysia, have very little ability to participate in decisions.

Under the Aboriginal People's Act, the Orang Asli who had been granted land on a group basis had no right to own land on an individual basis or to receive titles to land as individuals. The Social Development Ministry announced in 1996 that state governments, which make decisions affecting land rights, had agreed to issue titles to Orang Asli. Amendments were drafted to enable Orang Asli to hold titles on an individual basis. Then-Finance Minister Tun Daim Zainuddin announced in May 1999 that a total of 314,715 acres of land would be reserved for Orang Asli. The Government urged the states to follow up on Daim's announcement. The leader of an Orang Asli NGO welcomed the announcement, but urged the Government to proceed quickly. The NGO pointed out that the total area of land actually reserved for Orang Asli had declined, not increased, since 1990. Surveying and transfer of title apparently has proceeded very slowly; however, during the year, a number of Orang Asli received land titles, and several state governments announced that land was being set aside for Orang Asli. One NGO advocate asserts that the land rights situation of the Orang Asli continues to decline, as land previously set aside as Orang Asli reserve is being re-zoned for development use.

The federal budget for the year provided for a \$26 million (100 million RM) allotment to the Orang Asli community to eradicate poverty, improve education and social welfare, and improve infrastructure of resettlement villages. In addition National Unity and Social Development Minister Siti Zaharah Sulaiman announced in November 2000 a "stay in school" program to address the increasing number of school drop-outs in the Orang Asli community. The Government allocated \$1.2 million (4.8 million RM) for the project. In August the Cabinet approved the formation of a National Advisory Council for the development of Orang Asli. Two NGOs criticized the fact that only 5 out of 17 council members are Orang Asli.

The uncertainty surrounding Orang Asli land ownership makes them vulnerable to exploitation. Logging companies continue to encroach on land traditionally held by Orang Asli and other indigenous groups in the Borneo states. In January Orang Asli in the state of Pahang attempted to block logging trucks from entering their land. According to one NGO, the state ministry of Orang Asli Affairs later gave out cash compensation to placate the protesters. There have been no additional reports of Orang Asli complaints of fraud during this year. In some cases, the Orang Asli have sued to protect their land. In 1996 a suit was brought by Orang Asli Temuans who lost land during the construction of the Kuala Lumpur International Airport highway. Hearings on the case ended in March. A verdict on the case had not been announced by year's end.

Although state law recognizes the right of indigenous people to land under "native customary rights (NCR)," in the Borneo states the definition and extent of these lands have been in dispute. However, in a landmark judgement in May, the High Court in the provincial capital of Kuching, Sarawak, ruled that native customary

rights of the indigenous people of Sarawak do not exist because of statute; rather, they are historically recognized rights which existed long before independence. The judgement further recognized that forests, rivers, and streams adjacent to indigenous communities also are included under native customary rights. The state government of Sarawak appealed the decision. Nonetheless, indigenous people in the state of Sarawak continued to protest the alleged encroachment by state and private logging and plantation companies onto land that they consider to be theirs under customary rights. Laws allowing condemnation and purchase of land do not require more than perfunctory notifications in newspapers to which indigenous people may have no access. The result was that many indigenous people were deprived of their traditional lands with little or no legal recourse. In May 2000, the Sarawak state assembly passed amendments to the state land code that the state government stated would increase the rights of indigenous people to exert control over their traditional lands. A group of NGO's disputed the state government's characterization of the legislation and claimed that it would in fact further diminish the ability of indigenous people to defend their rights on land issues. Indigenous people displaced by the Bakun Dam project in Sarawak continue to protest the lack of transparency in the resettlement process, inadequate compensation for their lands and homes, and destruction of their traditional way of life. However, the state government dismissed these complaints, claiming that only the older generation have reservations about the resettlement program.

The National Human Rights Commission received complaints from three different groups representing the indigenous Iban and Penan people in Sarawak in 2000, and the Commission announced its intention to investigate the indigenous people's complaints of illegal encroachment by loggers on their lands and the alleged use of police force by logging companies. In November an NGO working on behalf of indigenous people in the state of Sarawak expressed deep concern over the passage of the state assembly's Land Surveyors Bill, which requires land surveys to be carried out exclusively by state-licensed land surveyors. The NGO claims that indigenous people struggle to prove their land rights and depend on NGO's to assist them with mapping. NGO's help to create maps that can then be used in court to protect NCR land from logging, development, and palm oil cultivation. Without assistance from independent surveyors, the NGO contends that indigenous people are powerless legally to dispute encroachment on their land. In June National Human Rights Commissioner Anuar Zainal Abidin identified violations of rights of indigenous people resulting from construction of the Bakun Dam in Sarawak, including the lack of freedom to choose a location for resettlement and the amount of compensation. A four-member team from the National Human Rights Commission visited northern Sarawak and the Bakun area in October to investigate complaints related to the construction of the dam, logging, palm oil cultivation, and other development projects. The Commission had not released any conclusions or findings from the investigation at year's end.

The Orang Asli, who number roughly 100,000, are the poorest group in the country; however, according to government officials, the Orang Asli gradually are attaining comparable levels of standards of living as other citizens, and the percentage of Orang Asli who lead nomadic lifestyles has dropped to less than 40 percent. Government development projects for the Orang Asli are announced from time to time. However, according to press reports, the head of an NGO working with Orang Asli said in May 2000 that school dropout rates among Orang Asli had increased markedly over previous years, and the percentage of Orang Asli living below the poverty line was increasing as well. Several NGO's complained that Orang Asli were compensated inadequately after they were displaced by a dam project in the state of Selangor.

The trial of a group of five Iban tribesmen charged with the 1999 killing in Sarawak of four Chinese workers who worked for a company that was encroaching on their land ended in September. The High Court in Miri, Sarawak acquitted four of the men, but one 75-year-old man was sentenced to 12 years in prison.

National/Racial/Ethnic Minorities.—The Government implements extensive preferential programs designed to boost the economic position of the Malay majority, which remains poorer on average than the Chinese minority. Such preferential programs and policies limit opportunities for non-Malays in higher education, government employment, business permits and licenses, and ownership of land. According to the Government, these programs have been instrumental in ensuring ethnic harmony and political stability. Ethnic Indian citizens remained among the country's poorest groups. The Chinese Indian minorities do not benefit from the preferential policies that benefit ethnic Malays.

Public questioning of the preference rights of ethnic Malays is a sensitive issue. Senior UMNO officials have warned non-Malays against "playing with fire." In Au-

gust 2000, a group of youth members of UMNO became unruly at a rally held outside a Chinese assembly hall in the wake of public comments by a Chinese association that allegedly questioned the granting of special rights and privileges for Malays. Some of the demonstrators threatened to burn down the hall. Chinese groups in the ruling coalition demanded action against the perpetrators. The Government had taken no action by year's end.

Section 6. Worker Rights

a. The Right of Association.—By law most workers have the right to engage in trade union activity, but only 8.26 percent of labor is represented by 1 of the country's 544 trade unions. Exceptions include certain limited categories of workers labeled "confidential" and "managerial and executive," as well as defense and police officials. With certain limitations, unions may organize workplaces, bargain collectively with employers, and associate with national federations. No legal barrier prevents foreign workers from joining a trade union; however, the Immigration Department places conditions on foreign workers' permits that effectively bars them from joining a trade union (see Section 6.e.).

The Trade Unions Act prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or in participating in lawful trade union activities. However, the act restricts a union to representing workers in a "particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries," contrary to International Labor Organization (ILO) guidelines. The Director General of Trade Unions may refuse to register a trade union and, in some circumstances, may also withdraw the registration of a trade union. When registration has been refused, withdrawn, or canceled, a trade union is considered an unlawful association. The Government justifies its overall labor policies by positing that a "social compact" exists wherein the Government, employer, and worker are part of an overall effort to create jobs, train workers, boost productivity and profitability, and ultimately provide the resources necessary to fund human resource development and a national social safety net. Trade unions from different industries may join in national congresses, but the congresses must register as societies under the Societies Act (see Section 2.b.).

In January 1999, the Trade Unions Department reported that in 1998 it had issued notices to 206 trade unions threatening them with deregistration for failing to submit reports of their accounts. During the year, no unions reported that they had been deregistered. Some labor leaders claim that the registration of new unions can be delayed for years. Also in February 1999, the Human Resources Minister stated publicly that union members' complaints against union leaders were increasing, and that the Government would amend the Trade Unions Act to make all principal officers of a union liable if the union commits any wrongdoing (currently only the secretary general is liable). However, the Trade Unions Act has not yet been amended. Some trade unionists claimed that unions that defy government policies face more intense scrutiny, potentially leading to deregistration. However, there were no reports that unions were deregistered for this reason.

In September 1999, Malaysian Trade Union Congress (MTUC) leader Zainal Rampak complained about delays in registering new unions, and called on the Government to amend the Industrial Relations Act to allow automatic union recognition. In February 2000, Zainal stated that approximately 100 unions had not been recognized by their employers, despite provisions under the Industrial Relations Act that require an employer to recognize a union within 21 days. There were no reports that any additional unions have been recognized.

The MTUC continued to call on the Government to ratify ILO Convention 87, which provides for the freedom to join a union; at year's end, the Government still had not done so.

Government policy inhibits the formation of national unions in the electronics sector, the country's largest industry. The Government believes that enterprise-level unions are more appropriate for this sector. In February 2000, the Minister for Human Resources stated that employers should not obstruct the formation of in-house unions. According to MTUC Secretary General G. Rajasekaran, 150,000 electronics workers still were unable to organize and only 8 in-house unions have been formed in the electronics industry. Collective bargaining agreements are limited in those companies designated as "pioneer status." According to the ILO, the Government has been promising to repeal this statute since 1994.

Even in-house unions sometimes face difficulties. For example, in 1999 an electronics company was picketed by workers several times during the year. Workers called on the company to end litigation and conclude a collective bargaining agreement that has been pending for 12 years. Workers claimed that the company had refused to meet union officials, even though the Department of Trade Unions recog-

nized the union. The dispute remained unresolved, and with the economic slowdown, the company's future is uncertain.

Unions maintain independence both from the Government and from political parties, but individual union members may belong to political parties. Although union officers by law may not hold principal offices in political parties, individual trade union leaders have served in Parliament. Trade unions are free to associate with national labor congresses, which exercise many of the responsibilities of national labor unions, although they cannot bargain for local unions.

Although strikes are legal, the right to strike is restricted severely. The law contains a list of "essential services" in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions.

The Industrial Relations Act requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action (strike or lockout) may be taken. The Ministry's Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the Minister has the power to refer the dispute to the Industrial Court. Strikes or lockouts are prohibited while the dispute is before the Industrial Court. The act prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. When a strike is legal, these provisions prohibit employer retribution against strikers and leaders. Although some trade unions questioned their effectiveness, it is not possible to assess fully whether these provisions are being enforced effectively, given the limited number of cases of alleged retribution.

Strikes are extremely rare. In January 1999, the Deputy Human Resources Minister said that the (1997 and 1998) economic downturn was "not affecting industrial harmony" and noted that the country still seldom had strikes.

There were no strikes reported during the year, but in June 2000, 130 employees of a cooking oil refinery in Johor staged a peaceful picket line to protest a deadlock in negotiations over a new collective bargaining agreement. Also in June 2000, several thousand workers were fired after a wildcat strike in which employees accused a Tawain textile firm of refusing to recognize the union and of mistreating workers. The employer reinstated the workers after further protests.

There are two national labor organizations. The MTUC is a federation of mainly private sector unions. The Congress of Unions of Employees in the Public and Civil Service (CUEPACS) is a federation of civil servant and teacher unions. Although the law grants public servants the right to organize at the level of ministries and departments, the Government has not responded to ILO requests for specific information on the numbers and categories of civil servant employees covered or details regarding the collective bargaining agreements reached. There are three national joint councils representing management and professional civil servants, technical employees, and nontechnical workers. In May 1999, various trade unions representing port workers announced plans to form a federation, potentially including 12,000 workers. At year's end, the federation still had not been recognized by the federal registrar of trade unions. In February 2000, the Government approved the establishment of a federation of airline unions that would represent about 20,000 employees in the aviation industry.

The Workmen's Compensation Act includes both local and foreign workers; however, foreign domestic workers have no protection under the act.

Enterprise unions can associate with international labor bodies and do so. The International Metal Workers Federation is working with enterprise unions in the electronic sector to form a national union.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to organize and bargain collectively, and collective bargaining is widespread in those sectors where labor is organized. The law prohibits antiunion discrimination by employers against union members and organizers. Charges of discrimination may be filed with the Ministry of Human Resources or the Industrial Court. Critics say that the Industrial Court is slow in adjudicating worker complaints when conciliation efforts by the Ministry of Human Resources fail. However, others point out that the Industrial Court almost always sides with the workers in disputes. In August 1999, the press reported an MTUC survey that indicated that employers often ignore Industrial Court judgments with impunity. In January 2000, the Minister of Human Resources stated that more Industrial Court chairmen would be appointed to deal with a backlog of more than 100 cases and noted that the courts were so congested that new cases could not be scheduled until January 2001. During the year, the number of Industrial Court chairmen was increased from 9 to 14. An opposition politician stated in March 2000 that the backlog of cases approached 5,000. This large backlog of cases continued to be a problem during the year.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore, they are excluded from collective bargaining, which is not in accordance with ILO standards. The Minister of Human Resources can suspend for up to 6 months any trade union that he deems is being used for purposes prejudicial to or incompatible with security or public order.

Companies in free trade zones (FTZ's) must observe labor standards identical to those in the rest of the country. Many workers in FTZ companies are organized, especially in the textile and electrical products sectors. The ILO continues to object to legal restrictions on collective bargaining in "pioneer industries."

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and the Government generally enforces this prohibition; however, trafficking in women, and occasionally girls, for the purpose of prostitution is a problem (see Sections 6.d. and 6.f.). In theory certain laws allow the use of imprisonment with compulsory labor as a punishment for persons who express views opposed to the established order or who participate in strikes. However, the constitutional prohibition renders these laws without effect.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Children and Young Persons (Employment) Act prohibits the employment of children younger than the age of 14. The act permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case may children work more than 6 hours per day, more than 6 days per week, or at night.

Child labor occurs in certain areas of the country. There is no reliable estimate of the number of child workers. Most child laborers work informally in the plantation sector, helping their parents in the field. However, only adult members of the family receive a wage. In urban areas, child labor can be found in family food businesses, night markets, and small-scale industries. Government officials do not deny the existence of child labor in family businesses, but maintain that foreign workers largely have replaced child labor and that the Government vigorously enforces child labor provisions. In September 2000, the Government ratified the International Labor Convention 182 on the prohibition and elimination of the worst forms of child labor. Forced and bonded labor by children is prohibited and generally is rare; however, occasional trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no national minimum wage, but the Wage Councils Act provides for a minimum wage in those sectors or regions of the country where market-determined wages are insufficient. Under the law, workers who believe that they need the protection of a minimum wage may request that a wage council be established. However, few workers are covered by minimum wages set by wage councils, and the Government prefers to let market forces determine wage rates. Minimum wages set by wage councils generally do not provide a decent standard of living for a worker and family. However, prevailing wages, even in the sectors covered by wage councils, are higher than the minimum wages set by the wage councils and often do provide a decent living. In May 2000, the Human Resources Minister stated that nonunion labor would be brought under the wage council system, but this change has yet to be implemented. In May 1999, former Human Resources Minister Datuk Lim Ah Lek said that the Government was not against a minimum wage, but that it was not ready to set the amount at \$316 (1,200 RM) per month (as proposed by some unions). In June 2000, Human Resources Minister reiterated that the Government was not opposed to a minimum wage and said that his ministry wanted to discuss with the MTUC the manner in which the MTUC calculated its new proposal for a \$237 (900 RM) per month minimum wage. The Government is still studying the MTUC's proposal.

Plantation workers generally receive production-related payments or daily wages. In February the National Union of Plantation Workers (NUPW) and the Malaysian Agriculture Producers Association (MAPA) agreed on a monthly minimum wage for palm oil plantation workers of \$84 (325 RM) per month. Proponents of the agreement argue that productivity incentives and bonuses raise the prevailing wage to nearly \$184 (700 RM). Rubber plantation workers still have no minimum wage.

Under the Employment Act, working hours may not exceed 8 hours per day or 48 hours per workweek of 6 days. Each workweek must include a 24-hour rest period. The act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources enforces these standards, but a shortage of inspectors precludes strict enforcement. In May 2000, the Appeals Court ruled that a company must give

proper notification to its workers when selling its business to another entity. The Appeals Court ruled that compelling an employee to work for a new employer without offering the option to terminate the labor contract amounted to a form of forced labor. The Appeals Court ordered the employers to compensate the workers for failing to give proper notification of sale as prescribed by the Employment Act.

Legal and illegal foreign workers from Indonesia, the Philippines, Burma, Thailand, India, Bangladesh, and other countries constitute about 20 percent of the work force. These workers occupy a wide range of menial jobs in the agricultural, industrial, and service sectors. Workers without labor permits have no legal protection under labor laws, and legal workers are prevented from joining trade unions by restrictions imposed by the Immigration Department on their work permits. The MTUC stated in December 1999 that foreign workers should be allowed to organize, but that one of the benefits of a minimum wage law would be to reduce the country's dependence on foreign workers. The Government states that it does not "encourage" foreign workers to join unions and that labor laws are adequate to protect foreign workers' interests.

Significant numbers of contract workers, including numerous illegal immigrants, work on plantations and in other sectors. According to statistics from the NUPW, foreign workers make up 39 percent of the plantation work force, though the number could be higher since there are illegal workers. Working conditions for these laborers compare poorly with those of direct-hire plantation workers, many of whom belong to the NUPW. Moreover, immigrant workers in the construction and other sectors, particularly if they are illegal aliens, generally do not have access to the system of labor adjudication. Government investigations into this problem have resulted in a number of steps to eliminate the abuse of contract labor. For example, besides expanding programs to regularize the status of immigrant workers, the Government investigates complaints of abuses, attempts to inform workers of their rights, encourages workers to come forward with their complaints, and warns employers to end abuses. Like other employers, labor contractors may be prosecuted for violating the labor laws.

The local press reported several cases of abuse of foreign domestic workers in 2000; during the year, a local women's NGO offered shelter to 13 foreign domestic workers who claimed they had been abused. The majority of such cases involved Indonesian women. Foreign domestic workers have no protection under labor laws. Some of the victims claimed that their employers subjected them to inhuman living conditions, withheld their salaries, and physically assaulted them. Two high-profile cases in 2000 involved young Indonesian women who reportedly were raped multiple times by their employers. No details of these cases have been reported to the public, and there were no developments to the cases during the year. In February 2000, the Government acknowledged the problem, and Minister of Human Resources Datuk Fong Chan Onn announced that abused foreign domestic servants may be eligible for compensation under the Workmen's Compensation Act. The Cabinet commissioned a study of the issue to determine what measures for protection, compensation, and a legal course of action should be available to victims under the act, although it has not been verified if the study was completed. In October 2000, the local press reported four separate cases of physical abuse against foreign domestic workers that were settled when the accused offered compensation to the victim. The Criminal Procedure Code allows certain offenses to be "compounded" with the consent of the complainant, if the perpetrator compensates the victim. The Human Rights Committee of the Bar Council claimed that the settlement gave the public "the overall impression that justice can be bought." A human rights NGO activist called the settlement a "dangerous trend."

An Occupational Safety and Health Act (OSHA) covers all sectors of the economy except the maritime sector and the military. The act established a national Occupational Safety and Health Council, composed of workers, employers, and government representatives, to set policy and coordinate occupational safety and health measures. It requires employers to identify risks and take precautions, including providing safety training to workers, and compels companies that have more than 40 workers to establish joint management-employee safety committees. The act requires workers to use safety equipment and to cooperate with employers to create a safe, healthy workplace. Trade unions maintain that relatively few committees have been established and, even in cases where they exist, they meet infrequently and generally are ineffective. In June the Human Resources Ministry announced a new regulation to protect laborers performing hazardous work in confined spaces such as manholes and storage tanks. Employers are obliged to fulfill certain safety and technical requirements before beginning any projects in confined spaces.

In September 2000, MTUC president Zainal Rampak called for a review of the three-shift system in the electronics industry, referring to a study that concluded

that the system contributed to severe stress and workplace accidents among the industry's mainly female work force. Government health and safety officials defended the system, claiming that it provides adequate safeguards for conscientious employers and workers.

Work-related accidents are especially high in the plantation sector. According to the Human Resources Ministry, 14 percent of all reported industrial accidents during the year occurred on plantations. The NUPW asserts that the number of accidents during the year in the plantation sectors is about equal to the accident rate during 2000.

Employers or employees that violate the OSHA are subject to substantial fines or imprisonment for up to 5 years. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

f. Trafficking in Persons.—The Constitution prohibits slavery; however, this provision has not been invoked in cases of trafficking in persons, and trafficking in women, and occasionally girls, for the purpose of prostitution is a problem.

The country is a source and destination country for trafficking in women and girls for sexual exploitation. Young women from primarily Indonesia, China, Thailand, and the Philippines are trafficked into Malaysia for sexual exploitation. There also are reports that Burmese adults are trafficked to Malaysia.

The Royal Malaysian Police arrested 3,607 foreign prostitutes in 2000. Police believe that number of arrests in 2000 was a result of a greater numbers of women being brought to the country from countries of the former Soviet Union. There are allegations that some level of corruption must exist among law enforcement since some trafficking victims have been known to pass through two or more ports of entry without travel documents. Most foreign prostitutes in the country still come from Indonesia, the Philippines, Burma, Thailand, and China. These women often work as karaoke hostesses, "guest relations officers," and masseuses.

Malaysian women are trafficked for sexual purposes mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to Japan, Australia, Canada, and the United States. According to police and Chinese community leaders, Malaysian women who are victims of traffickers are almost exclusively ethnic Chinese, although ethnic Malay and ethnic Indian women work as prostitutes domestically. Police and NGO's believe that Chinese criminal syndicates are behind most of the trafficking (both incoming and outgoing) of women of all nationalities.

Individual government officials may provide counterfeit documents illicitly to traffickers (although no specific cases were reported), but government agencies try to eradicate corruption and fraud within their ranks. Trafficking victims are kept compliant through involuntary confinement, confiscation of travel documents, debt bondage, and physical abuse. The Penal Code includes special provisions related to trafficking only for purposes of prostitution. Specific sections of the Penal Code prohibit the sale or hire of anyone under 21 for purposes of prostitution. Another section prohibits the importing of any woman for purposes of prostitution. Punishment for these offenses includes a maximum 10-year prison term or a fine, to be determined at the discretion of the sentencing judge. In November 2000, the local press reported that implementation of the Child Act 2000, which would automatically repeal the Women and Girls Protection Act, would create a legal loophole that decriminalized procurement which is covered only by the Women and Girls Protection Act. The press reported that the Ministry of National Unity and Social Development was working with the Attorney General's drafting department to close the loophole before the act entered into force, but no developments were reported at year's end.

The Government assists underage girls and has rescued some kidnaped women. Police often raid venues of prostitution. For example, Selangor state police stated that they raided 1,230 suspected "vice dens" during 1999. However, NGO's and women's rights activists complain that police have no coherent policy to protect victims of trafficking. Rather than prosecute traffickers, police generally arrest or deport individual women for immigration offenses. Some trafficking women who exhibit signs of physical abuse may be sent to a woman's shelter instead of being kept by the police; however, permission from the police to allow victims to reside in a shelter is sometimes difficult to obtain. Statistics for apprehension of traffickers are not available. From 1998 through June, 130 individuals involved in the harboring of prostitutes were placed under "restricted residence." The Restricted Residence Act is designed to deter organized criminal activity and requires individuals to temporarily move to a predetermined location far from their usual domicile, and check in regularly with police. However, the Government maintains it has not prosecuted anyone for the offense of trafficking of persons. There are active NGO's that provide assistance to trafficking victims. NGO shelter provides counseling and medical and legal referrals, but the Government does not appear to support financially the work

of NGO's. Repatriated Malaysian victims are eligible for public assistance and at least one community-based organization offers services such as counseling to victims.

A local women's NGO is working with the Malaysian Bar Council to draft legislation specifically aimed at prosecuting traffickers and protecting victims.

MARSHALL ISLANDS

The Republic of the Marshall Islands is a self-governing nation under the Compact of Free Association with the United States. The Constitution provides for free and fair elections and executive and legislative branches. The legislature consists of a 33-member Parliament (Nitijela), as well as a Council of Chiefs (Iroij), which serves a largely consultative function dealing with custom and traditional practice. The President is elected by majority Nitijela vote, and he appoints his Cabinet from its membership. The Constitution provides for an independent judiciary; however, past governments have attempted to influence the judiciary.

Under the Compact of Free Association, the United States is responsible for defense and national security, and the country has no external security force. The national and local police forces have responsibility for internal security. These agencies honor constitutional and legal civil rights protections in executing their responsibilities.

The population of approximately 51,000 is of Micronesian origin and concentrated primarily on the Majuro and Kwajalein Atolls. The economy depends mainly on transfer payments from the United States. Coconut oil and copra exports, a small amount of tourism, import and income taxes, an open ship registry, a tuna preparation plant (locally referred to as tuna loining), ship chandelling, and fishing licensing fees generate limited revenues.

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. There were occasional instances of denial of due process for detainees. Violence against women and child abuse were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

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

Prison conditions, while Spartan, meet international standards, and the Government permits prison visits by independent human rights monitors.

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

Nonetheless, the Chief Justice of the High Court admitted in September that arbitrary detentions occur. There were several reported cases of arbitrary detention lasting over 24 hours in which persons were denied their rights to be charged or released within the specified time, or to be informed of the charges against them. It appears that such violations are due mainly to inefficiency. The courts and the Attorney General's office are working with the police to improve communication between the courts and police when suspects are detained.

Families have access to detainees, and detainees have the right to lawyers of their choice. There is a functioning system of bail, and the State will provide a lawyer if the defendant is indigent.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, the Government has attempted to influence judicial matters through legislative or administrative means.

The employment of a foreign national former high court judge, who had disagreements with the previous government, was terminated prematurely in June 1999, but he was appointed to the Supreme Court in May 2000. In his January 2000 inaugural address, President Note pledged to protect the independence of the judiciary, following the previous 4 years during which three chief justices resigned or were terminated by the Government. During the year, there were no known incidents of executive pressure on the judiciary. There are few citizens trained in the law. Therefore, the judicial system relies almost entirely on foreign citizens to serve on the ju-

diary and as public prosecutors and defenders. Since President Note was elected, the Government increased judges' salaries by 20 percent to enhance its ability to attract and retain qualified judges.

The judiciary consists of a Supreme Court with appellate jurisdiction, a High Court with general jurisdiction in civil and criminal matters and appellate jurisdiction over subordinate courts at the district and community levels, and a Traditional Rights Court with jurisdiction in cases involving matters of customary law and traditional practice.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In the past, government influence led to occasional self-censorship by the media in areas of political or cultural sensitivity; however, there were no known instances of self-censorship during the year.

A privately owned weekly newspaper publishes articles and opinions in both English and Marshallese.

There are two radio stations, one of which is government owned; the other is religious and offers news broadcasts from the Voice of America, the British Broadcasting Corporation, and Radio Australia. In the past, live broadcasts of the legislative session were interrupted when remarks were critical of the Government; however, this did not occur during the year. A government station broadcasts public service announcements. A cable television company broadcasts a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government does not control or limit Internet access.

Academic freedom is respected.

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

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

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

Beginning in 2000, the Government launched an alien registration drive to counter alleged increases in illegal entries by Chinese and other foreign nationals. During the year, the Government periodically conducted "sweeps" to locate and ultimately deport illegal aliens. In February the Government enacted regulations that reserve certain types of businesses only to citizens. In 1996 the Government sold "investment" passports to approximately 3,000 non-Marshallese to attract foreign investment; however, it halted this practice in 1997, following allegations of abuses and fraudulent passport sales (which conveyed citizenship). These "investment" passports are expiring, and the Government is examining its passports more closely and denying renewal in some cases, for example, if residency cannot be proved.

Although not a signatory, the Government adheres to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the U.N. High Commissioner for Refugees. There are no recent reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic, free, and fair elections held on the basis of universal suffrage. Executive power is centralized in the President and his Cabinet. This group dominates the legislature as well. The Nitijela (Parliament) and mayors are elected by secret ballot every 4 years by citizens 18 years of age and older. The last Nitijela election was held in November 1999. On January 3, 2000, President Kessai Note was selected unopposed by the Nitijela from among its 33 members. The President subsequently selected 10 cabinet ministers

from among the Nitijela members. There are no restrictions on the formation of political parties. Political activity by foreigners is prohibited.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women's participation in government and politics. Women's cultural responsibilities and traditionally passive roles and the generally early age of pregnancies can make it difficult for women to obtain political qualifications or experience. Nevertheless, a woman was elected to the Nitijela in the 1999 elections. Society is matrilineal, and those men and women who exercise traditional leadership and land ownership powers derive their rights either from their own positions in the family, or from relationships deriving from their mother's and sister's lineage. However, urbanization and the movement of the population away from the lands that they control is leading to a decline in traditional authority exercised by women.

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

While there are no official restrictions, few local nongovernmental human rights organizations have been formed.

The women's NGO WUTIMI works on women's, children's, and family issues and is playing an increasing role in discussion of social issues. One of the WUTIMI leaders, for example, has been named to the Compact Renegotiation Team.

There is a government-sponsored committee to establish a local Red Cross chapter, and the Government hosted a Red Cross Conference on the Geneva Conventions in June. On October 4, the Nitijela ratified the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination.

No international human rights organization has expressed interest or concern or visited the country.

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

The Constitution prohibits discrimination on the basis of sex, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, and the Government observes these provisions.

Women.—Spousal abuse is common. Domestic violence is not condoned in society, and most assaults occur while the assailant is under the influence of alcohol. The Government's health office provides counseling for reported spouse and child abuse cases but advises that many cases go unreported. Rape and assault are criminal offenses, but women involved in domestic violence are reluctant to prosecute spouses in the court system. Women's groups under the WUTIMI umbrella publicize women's issues and attempt to create a greater awareness of the rights of women. Violence against women outside the family occurs, and women in urban centers risk assault by going out alone after dark.

There is no legal age of consent; the law criminalizes only "forced" rape and does not specify sexual assault, domestic violence, and sexual abuse. There was some national debate regarding criminalizing sexual assault, domestic violence, and sexual abuse; however, the problem is complicated by cultural norms against talking about these subjects. In August two young men sexually assaulted an infant; they were charged with child abuse and sodomy. At year's end, both were free on bail awaiting further judicial action.

In September the Parliament passed a law making prostitution illegal; however, it exists on the Majuro and Kwajalein Atolls. The only truly organized prostitution is run by and caters to foreigners, primarily the crews of foreign fishing vessels. The Government is unaware of violence against prostitutes, although it assumes that it exists. The law does not prohibit sex tourism. There are no known instances of trafficking in persons.

Sexual harassment is not prohibited by law; however, it is not regarded as a problem.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance in the traditional system. No instances of unequal pay for equal work or of sex-related job discrimination were reported. However, while women workers are very prevalent in the private sector, many of them are in low-paying jobs with little hope of advancement.

Children.—The Government is committed to children's welfare through its programs of health care and free education, but these have not been adequate to meet the needs of the country's sharply increasing population.

Education is free, compulsory, and universal through eighth grade; there is no difference between the attendance rates of boys and girls.

It is estimated that up to 20 percent of elementary school age children do not attend school on a regular basis. The Government does not enforce the compulsory education law due to a lack of classrooms and teachers. The Government's enrollment report indicates that only two-thirds of those completing eighth grade attend high school. Of that number, 50 percent eventually graduate.

The Government provides subsidized essential medical services for all citizens, including children.

Child abuse and neglect are criminal offenses; however, the awareness of children's rights remains low among the general population. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. However, there are few reports and few prosecutions. Child abuse and neglect were considered to be on the increase.

Persons with Disabilities.—There is no apparent discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no building codes, and there is no legislation mandating access for persons with disabilities.

There are approximately 50 persons who could be medically defined as psychotic. When these individuals demonstrate dangerous behavior, they are imprisoned and visited by a doctor.

There were no reports of discrimination against persons with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of free association in general, and the Government interprets this right as allowing the existence of labor unions, although none has been formed to date. The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

There were no strikes during the year. In spite of the absence of legislation on strikes, during 1999 there were strikes at the government hospital and the government-owned airline. Although the Attorney General's Office indicated that some of the strikers apparently were in violation of national labor laws, there was no retaliation against any of the strikers.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning collective bargaining or trade union organization. However, there are no impediments to the organization of trade unions or to collective bargaining. Wages in the cash economy are determined by market factors in accordance with the minimum wage and other laws.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits involuntary servitude, and there is no evidence of its practice among citizens of the country. With the increasing presence of illegal aliens and the possibility that there is trafficking in persons, it is possible that forced or compulsory labor exists; however, there have been no specific reports of the problem.

During the year there were two separate reports of forced labor involving one Nepalese and one Sri Lankan citizen; one was a domestic worker and the other worked in a restaurant. The case of the restaurant worker was settled in a civil suit in January, and he returned to his home. The domestic worker's case was awaiting review by the Attorney General's Office at year's end; he continued to work in the country.

The law does not specifically prohibit forced and bonded labor by children; however, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children typically are not employed in the wage economy, but some assist their families in fishing, agriculture, and other small-scale domestic enterprises. There is no law or regulation setting a minimum age for employment of children. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur.

e. Acceptable Conditions of Work.—A government-specified minimum wage is established by law, but it is not adequate to maintain a decent standard of living for a worker and family; however, in this subsistence economy, extended families are expected to help less fortunate members, and there are often several wage earners in each family. The minimum wage for all government and private sector employees is \$2.00 per hour. The U.S. dollar is the national currency. The Ministry of Resources and Development oversees minimum wage regulations, and its oversight was regarded as adequate. Foreign employees and Marshallese trainees of private

employers who have invested in or established a business in the country are exempt from minimum wage requirements. This exemption does not affect a significant segment of the workforce.

There is no legislation concerning maximum hours of work or occupational safety and health. On Sunday most businesses are closed, and persons generally refrain from working.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards in accordance with International Labor Organization conventions. The office periodically convenes board meetings that are open to the public. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

Foreign workers are protected by the law in the same manner as citizens.

f. Trafficking in Persons.—There are no specific laws concerning trafficking in persons; however, there is increasing suspicion that foreign-born Marshallese passport holders may be using the country as a staging point for trafficking. The Immigration Ministry, Attorney General's Office, the police, and religious communities all work on the problem. The eventual destination and fates of undocumented alien residents and prostitutes are unknown. There are no documented cases of nonresident aliens or prostitutes being trafficked to, from, or within the country during the year.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is composed of four states: Chuuk (formerly Truk); Kosrae; Pohnpei; and Yap. The four states were part of the Trust Territory of the Pacific Islands and were administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. Political legitimacy rests on the popular will expressed by a majority vote through elections in accordance with the Constitution. There are three branches of government: An executive branch led by a president who also serves as head of state; a unicameral legislature elected from the four constituent states; and an independent judicial system that applies criminal and civil laws and procedures that closely parallel those of the United States. Traditional leaders retain considerable influence.

Under the Compact of Free Association, the United States is responsible for the islands' defense. The country has no security forces apart from national police, who operate under effective civilian control, and public safety officers, who also operate under effective civilian control.

The population is approximately 107,000, mostly of Micronesian origin. The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Traditional customs distinguish among persons on the basis of social status and sex. Neither the Government nor other organizations successfully have filled the role of the traditional extended family in protecting and supporting its citizens. There was growing evidence of increased spousal abuse and child neglect, and government agencies often did not address such problems due to the constraints imposed by traditional society.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. There was a suspicious death of a prisoner in custody in 2000, and a prisoner suicide in 1999 (see Section 1.c.). Both cases remain open but are not known to be under active investigation.

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

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

In August 2000, two off-duty policemen reportedly beat a foreign national at a bar in Pohnpei. Both officers were dismissed from the police force; however, they were not prosecuted.

Prison conditions generally meet international standards. In January the family of a prisoner who died in custody in 1996 won a civil case against the Chuuk state police for violation of civil rights and wrongful death. The family was awarded \$42,000. There was a suspicious death of a prisoner in 2000, and the 1999 suicide of a prisoner remains unexplained (see Section 1.a.). Both cases remain open but are not known to be under active investigation.

The question of prison visits by human rights monitors did not arise during the year.

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

The Government does not use forced exile.

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

The Chief Justice of the Supreme Court is appointed by the President, with the advice and consent of the legislature. Each state also has a supreme court, and each municipality has a community court.

The Constitution provides for public trial, and trials generally are conducted fairly. Juveniles may have closed hearings. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order has allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder have not gone to trial, and suspects routinely are released indefinitely. Bail, even for major crimes, usually is set at low levels.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

The national Government and the four states publish newsletters. A new biweekly newspaper, the Kaselehlle Press Pohnpei State (originally known as the Rohng En Pohnpei) published its first issue in November 2000. Each of the four state governments controls a radio station that broadcasts primarily in the local language. One religious group operates a private radio station. The populations of Pohnpei, Chuuk, and Kosrae have increasing access to live satellite-televized information from around the world and tape-delayed broadcasts of programming by the major U.S. networks. Yap State does not have a television receiver station, and few residents have individual satellite dishes.

There is an increasing level of open public discussion of social and governmental issues on various Internet sites. The Internet plays an important role in allowing citizens in the four states, as well as those residing outside the country, an opportunity to share views and opinions.

Academic freedom is respected.

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

During political campaigns, citizens often question candidates at public meetings and social gatherings.

Formal associations are uncommon, but organizations for students and women exist.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Missionaries of many faiths work in the country without hindrance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country. It is silent on foreign travel, emigration, and repatriation, but in practice none of these are restricted.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. To date there has never been a request for asylum in the country.

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

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 Congress is elected by popular vote from each state; the Congress then chooses the President and Vice President by majority vote from among its four at large

senators. State governors, state legislators, and municipal governments are elected by direct popular vote. Political campaigning is unrestricted. There are no restrictions on the formation of political groups, but there have been no significant efforts to form political parties, and none exist. Political support generally is sought from family and allied clan groupings, as well as religious groups.

Cultural factors in the male-dominated society have limited women's representation in government and politics. Although women hold midlevel positions at both the federal and state level, the percentage of women in government and politics does not correspond to their percentage of the population. The first woman to hold a national government cabinet position was appointed in 1999; she continues to serve as Public Defender. In November 2000, a woman also was elected to serve in the Pohnpei State Legislature.

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

There were no known requests for investigations of alleged human rights violations during the year; international human rights groups never have raised issues with the country. While there are no official restrictions, no local groups concern themselves exclusively with human rights. However, there are groups that address problems concerning the rights of women and children, and the Government cooperates with these groups.

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

Although the Constitution provides explicit protection against discrimination based on race, sex, language, or religion, there is extensive societal discrimination, notably discrimination and violence against women. Government enforcement of these constitutional provisions is weak.

Women.—Reports of spousal abuse, often of increasing severity, continued to rise. There are no laws against domestic abuse, and there are no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of such offenses is rare. In many cases, the victim decides against initiating legal charges because she is pressured by family, is fearful of further assault, or is convinced that the police will not involve themselves actively in what is seen as a private family problem. The number of cases of physical and sexual assaults against women outside the family context also is growing. Such assaults are perpetrated against both citizens and foreigners. Unmarried women sometimes are considered to have invited such violence by living or traveling alone.

In the traditional Micronesian extended family unit, spouses and children were accorded strong protections from violence, abuse, and neglect. Such actions were deemed offenses against the family, not just the individuals within them, and were addressed by a complex system of familial sanctions. However, with increasing urbanization and monetarization of the economy, greater emphasis has been placed on the nuclear family, and the traditional methods of coping with family discord are breaking down. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

Prostitution is not legal; however, it is not a major problem. The law does not prohibit sex tourism specifically; however, it is not a problem. The law does not prohibit sexual harassment; however, it does not appear to be a problem.

Women have equal rights under the law, and there are no institutional barriers to education and employment. Women receive equal pay for equal work and are well represented in the lower and middle ranks of government. However, there is extensive societal discrimination against women. Women are active and increasingly successful in private business and enterprises. There is an active National Women's Advisory Council that lobbies the Government, and several small nongovernmental groups are interested in women's issues, particularly those associated with spousal and family violence and abuse.

Children.—The Government is committed to children's welfare through its programs of health care and education; however, these programs have been inadequate to meet the needs of the country's rapidly growing population, particularly in an environment in which the extended family is breaking down. Health officials and religious leaders started peer support and family care groups to address the factors that may be leading to an increase in youth suicides; although there were a small number of suicides during the year, there were no comprehensive statistics.

A compulsory education law requires that all children begin school at the age of 6. Education is free, and there is no difference between the education of boys and girls. Education levels differ among the states, but on average 75 percent of children

finish 8th grade, 55 percent finish 9th grade, and approximately 35 percent finish high school. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first.

The Government provides vitamins to children and administers an immunization program throughout the country.

Persons with Disabilities.—The law prohibits discrimination in public service employment against persons with disabilities. Children with physical or mental disabilities are provided with special education, including instruction at home if necessary. There were no reports of discrimination against persons with disabilities; however, they usually do not seek employment outside the home. There were no reports of discrimination against persons with mental disabilities.

Neither laws nor regulations mandate accessibility to public buildings and services for persons with disabilities. The school system has established special education classes to address problems encountered by those who exhibit learning disabilities, although such classes are completely dependent on nongovernment funding. Some private businesses provide special parking spaces and wheelchair ramps for the disabled.

National/Racial/Ethnic Minorities.—The law prohibits noncitizens from purchasing land, and the national Congress grants citizenship to non-Micronesians only in rare cases (an authority that last was exercised during 1998, for the first time in almost 20 years). However, for the most part, noncitizens share fully in the social and cultural life of the country.

Section 6. Worker Rights

a. The Right of Association.—Under the law, citizens have the right to form or join associations, and national government employees by law may form associations to “present their views” to the Government without coercion, discrimination, or reprisals; however, they have not formed any such associations, and there is no specific right to strike. For a variety of reasons, including the fact that most private sector employment is in small-scale, family-owned business and that Micronesians are not accustomed to collective action, there are neither associations nor trade unions. There have been no reports of strikes, labor disputes, or collective bargaining agreements in the country’s history, and there were no such incidents during the year. The country is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—No law deals specifically with trade unions or with the right to collective bargaining. Individual employers, the largest of which are the national and state governments, set wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The Government does not prohibit forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law establishing a minimum age for employment of children. While in practice there is no employment of children for wages, they often assist their families in subsistence farming activities. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

Neither the Constitution nor the law specifically prohibits forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The four state governments have established minimum wage rates for government workers. Pohnpei has a minimum hourly wage rate of \$2.00 for government and \$1.35 for private workers. The other three states have established minimum hourly rates only for government workers: \$1.25 for Chuuk; \$1.49 for Kosrae; and \$0.80 for Yap. The minimum hourly wage for employment with the national Government is \$1.68. The U.S. dollar is the country’s legal currency. These minimum wage structures and the wages customarily paid to skilled workers are sufficient to provide a decent standard of living for a worker and family. The minimum wage is enforced through the tax system, and this mechanism is believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek is standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace. The Department of Health has no enforcement capability; working conditions vary in practice.

There is no law for either the public or private sector that would permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Two states permit foreign laborers to work in garment manufacturing enterprises. The foreign laborers are paid at a lower rate than citizens who work at the factories, work longer hours per day, and work a 6-day week in contrast to the 5-day week for citizens. However, working and living conditions are regarded generally as good, and workers are not subjected to abuse or deported without cause; they have the right to a hearing under such circumstances. Foreign workers have the right to form unions; however, they have not done so.

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

MONGOLIA

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The Prime Minister is nominated by the majority party and, with the agreement of the President, is approved by the State Great Hural (Parliament), the national legislature. In 2000 the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. During the year, the MPRP's presidential candidate was elected to his second and final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There are 18 political parties, 4 of which hold seats in the Parliament. The judiciary is constitutionally independent, but low salaries make it vulnerable to corruption.

Security forces are under civilian control. The Minister of Defense is a civilian (who retired from the military to accept the position). The security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defense is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, fall under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Reduced Government spending continued to force downsizing of the military forces and all security forces operate on a minimal budget. Police have on occasion, committed human rights abuses.

Despite reforms in the 1990's, the larger economic entities remain under state control; however, the private sector produces over 70 percent of the gross domestic product. The economy continued to expand and strengthen, and inflation stayed below 12 percent. The country's population is 2.37 million with a population growth rate of 1.4 percent. The country remains poor, with a per capita income of approximately \$405 per year. It relies heavily on foreign economic assistance. The mainstays of the economy continue to be copper production and other mining, livestock raising (which is done by a majority of the rural population), and related food, wool, and hide processing industries, which produce goods for local consumption and for export. A growing trade and small entrepreneurial sector in the cities provides basic consumer goods. Garment manufacture and minerals, especially copper, constitute the bulk of export earnings. Lack of transportation and other infrastructure, legal and regulatory deficiencies, petty corruption and a small domestic market discourage foreign investment.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions are poor although prison conditions are improving. There were no deaths reported during the year in detention centers but a number of prisoners died while in prison. Arbitrary arrest and detention are problems, as is corruption. There are restrictions on due process for persons arrested or suspected of crimes. Government attempts to enforce compliance by newspapers, magazines, television, and radio with moral strictures and tax laws may have been an attempt to intimidate the media and have resulted in self-censorship by the press. During the year, the authorities denied entry to some persons claiming refugee status; however, the authorities determined these persons to be "economic immigrants" and not refugees. Official harassment of some religious groups seeking registration persisted. Domestic violence against women is a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and

child labor also are problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes. In February the Government established a National Commission on Human Rights (NCHR). In October the NCHR published its first public report, which criticized the Government for abuses and faulted the Parliament and the Courts for failure to fully protect human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivations of life committed by the Government or its agents; however, it is suspected that the killing of the Minister of Infrastructure in October 1998 was politically motivated. Although the investigation is ongoing, the inability to solve this case continues to be a major problem for the Government.

Approximately 40 prisoners died in custody during the year, largely due to disease (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process is not uncommon. During the year, it was alleged that five persons accused of killing a shopkeeper in 1999 were tortured during the last 2 years while in detention centers in order to get them to confess. One of the five died of tuberculosis in pretrial detention and the other four reported being subjected to severe abuse such as electrical shocks, being forced to drink their own blood, and threats to family members. A joint monitoring commission from the central police and the state prosecutor's office claimed its investigation found no basis for the allegations of torture. However, the Supreme Court ordered the case reinvestigated in view of questions raised concerning evidence presented at the trial by the prosecution and the absence of legal counsel for the defendants during the early months of their detention.

In recent years reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers, have changed significantly the way that accused persons and prisoners are treated. Human rights training for prison management and some police guards was implemented during the year. The Ministry's Department for the Enforcement of Court Decisions also monitors conditions, but the new laws and procedures have not been publicized widely, especially in the countryside, and citizens are not aware always of their rights with respect to detention and arrest. In general, pretrial detention and prison facilities are poor—including insufficient food, heat, and medical care—and threaten the health and life of inmates. However, overall prison conditions improved while conditions in detention centers remained the same. Different authorities administer the pretrial detention system and the prison system, which creates tensions between the two and limits management improvements.

Many inmates entered prison already infected with tuberculosis or contracted it in prison. During the year, the Government, with the aid of foreign donors, concluded a program begun in 1997 for surveying and determining methods of treatment of tuberculosis among inmates. As a result of the program, the Government established a tuberculosis hospital that provides treatment for a considerably larger number of prisoners and better isolates infected persons from the general prison population. The percentage of inmates who die of the disease continued to decline from previous years, decreasing by 50 percent to under 50 deaths. Conditions in pretrial detention facilities, where suspects can be held for up to 36 months, often are worse than in the prisons and contribute significantly to the tuberculosis problem.

Although the number of inmates remained fairly constant, the seriousness of crimes allegedly committed by those detained increased. Overcrowding in prisons is declining while overcrowding in detention centers is common. The detention center population continues to exceed capacity by approximately 25 percent, aggravating management, health, and funding problems. To address these problems under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions.

Outside Ulaanbaatar, juveniles between the ages of 14 and 18 who are charged with crimes are kept in the same detention centers as adults and are not segregated from the adult population. During the year, a separate facility for juveniles was established in Ulaanbaatar and designated a training center. Improvements in detention and prison conditions outside of the capital are significantly less or nonexistent because of lack of funding. Families continue to gain better access to inmates, alle-

viating some of the hardship in obtaining food and clothing. At least two national and six foreign NGO's are working to improve conditions in prisons and detention centers, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades.

The Government permits prison visits by human rights monitors, but visits to pre-trial detention centers are more difficult to arrange. Nonetheless, Amnesty International (AI) has on occasion visited prisons and detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the criminal code; however, arbitrary arrest and detention remain problems. Furthermore, general public awareness of basic rights and judicial procedures is limited. Under the criminal code, police may arrest those caught committing or suspected of a crime and hold them for up to 72 hours before the decision is made to prosecute or release. A prosecutor must issue a warrant for incarceration of longer duration or when the actual crime was not witnessed. A detainee has the right to a defense attorney during this period and during any subsequent stage of the legal process. If a defendant cannot afford a private attorney, the Government appoints an attorney. Detainees may be released on bail with the agreement of the prosecutor.

Citizens are not always aware of their rights in regard to arrest and detention procedures (see Section 1.c.). In 2000 a one-time amnesty law affected 1,000 inmates and detainees by reducing the sentences of inmates and releasing detainees held on insufficient evidence. The criminal system can legally detain a suspect for up to 3 years. The police may detain a suspect for up to 10 months, and the prosecutor can authorize up to an additional 26 months of pretrial detention. For example, in 2000 of 6,300 detainees, 7 persons were held in pretrial detention for more than 9 months, 19 were held longer than 5 months and 37 were held more than 2 months; numbers through October were 2, 19 and 40 respectively. There were no political detainees.

According to administrative regulation, if a person was wrongly charged with a crime, the Government will restore the person's rights and reputation and compensate him.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the courts are independent in practice, although corruption is a problem.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts hear mostly routine criminal and civil cases; provincial courts hear more serious cases such as rape, murder, and grand larceny and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with ensuring the rights of judges and providing for the independence of the judiciary. During the year, a human rights course became mandatory for all law students.

All accused persons are provided due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions. The number of complaints made to the U.N. High Commissioner for Human Rights (UNHCHR) representatives about the legal system have not increased during the year, but these complaints are being referred to the NCHR. The UNHCHR closed its separate office in March. A smaller operation functions under the U.N. Development Program (UNDP). However, the UNHCHR established local representatives in every province.

There were no reports of political prisoners. Each September, the Government pays public respects to the memory of victims of political repression from 1922 through the 1960s. Since 1991, more than 30,000 persons have been absolved of accusations leveled against them. In 1991 the Government began giving apartments and monetary compensation to surviving victims or to the victims' spouses. Since 1991, the Government has provided over 400 apartments and gers (a traditional nomadic dwelling of the Mongols), including 54 in the first half of the year. In 1998 the State Rehabilitation Commission began providing compensation to other family members of victims in the form of cash grants of \$500 and \$1000 (between 500,000 and one million tugrik). The program subsequently was halted due to a budget

shortfall but is scheduled to resume as soon as budget problems are resolved. Since the inception of the program, more than 14,000 persons have received more than \$11 million (11 billion tugrik) in compensation. The program, scheduled to end in 2000, was extended for an additional 3 years. Some 16,000 petitions remain to be processed.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice. The head of the GIA may, with the knowledge and consent of the Prime Minister, direct the monitoring and recording of telephone conversations. The extent of such monitoring is unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for only 2 weeks at a time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, press, and expression and the Government generally respects these rights in practice. An increasing variety of newspapers and other publications represent major political party viewpoints as well as independent views. The media law that went into effect in 1999 bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the vast majority of radio and television stations and frequency licenses remain state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of access to information and of transparency in government continues to inhibit political dialog in the media, and led to media complaints.

The Government monitored all media for compliance with antiviolence, antipornography, antialcohol, and tax laws. In 2000 two newspapers were closed as a result of Government inspections, which journalists viewed as an attempt at intimidation and control. No newspapers were closed during the year. While there is no direct government censorship, the press perceives indirect censorship through various forms of government harassment such as frequent libel lawsuits and tax audits following an inflammatory article. The court system places the burden of proof on the defendants in libel and slander cases, which stifles the free media. As a result, some media practice self-censorship, although independent media outlets are at times strongly critical of the Government. All newspapers buy newsprint directly from private suppliers, and neither party-affiliated nor independent news media report difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications is restricted in outlying regions.

There are several television stations including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel, a private television station (which does not broadcast nationwide), a local television station controlled by the Ulaanbaatar mayor's office, and several radio stations in Ulaanbaatar. State-owned radio is particularly important as the major source of news in the countryside, but the one independent radio station broadcasts widely and there are an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presents opposition and government news. Many residents of the country have access to television, and Ulaanbaatar residents receive broadcasts from other countries in Asia and Europe, including China, Russia, Japan, the United Kingdom, France, Germany, and the United States by commercial satellite and cable television systems. An estimated 70 percent of households have television.

The Internet is available, and there have been no government attempts to interfere with its use.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association and the Government generally respects those rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion and the Government generally respects these rights in practice; however, some groups that sought to register have faced bureaucratic harassment and the law limits proselytizing. The Constitution explicitly recognizes the separation of church and state.

Although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government has contributed to the res-

toration of several Buddhist sites. These are important religious, historical, and cultural centers. The Government otherwise does not subsidize the Buddhist religion.

Religious groups must register with the Ministry of Justice and Home Affairs. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level.

Under the law, the Government may supervise and limit the number of places of worship and clergy for organized religions; however, there were no reports that the Government did so during the period covered by this report. The registration process is decentralized with several layers of bureaucracy, in which officials sometimes demand financial benefits in exchange for authorization. In addition registration in the capital may not be sufficient if a group intends to work in the countryside where local registration also is necessary. Some groups encountered harassment during the registration process, including demands by midlevel city officials for financial contributions in return for securing legal status. When registration was completed, the same authorities threatened some religious groups with withdrawal of approval. In general it appears that difficulties in registering primarily are the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not funded by the city. Of the 260 temples and churches founded since 1990, approximately 150 are registered, including 90 Buddhist, 40 Christian, and 4 Baha'i, in addition to 1 Muslim mosque and other organizations. Contacts with coreligionists outside the country are allowed.

The law does not prohibit proselytizing, but limits it by forbidding use of incentives, pressure, or deceptive methods to introduce religion. With the opening of the country following the 1990 democratic changes, religious groups began to arrive to provide humanitarian assistance and open new churches. Some friction between missionary groups and citizens developed because this assistance was mixed with proselytizing activities. Proselytizing by registered religious groups is allowed, although a Ministry of Education directive bans mixing foreign language or other training with religious teaching or instruction. The edict is enforced, particularly in the capital area.

There were no reports of religious detainees or prisoners.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country as well as the right to travel abroad and return without restriction, and the Government generally respected these rights in practice. Due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital. The authorities continued to raise bureaucratic obstacles to qualify for residency and social benefits in the capital, such as increasing fees for residency applications. Citizens are free to relocate within the country, but must notify gaining and losing jurisdictions. Ulaanbaatar is the only city that requires a registration fee for those moving into the city from other areas; there is no fee for moving from one administrative district to another within the city. Through 2000, the fees for registering were \$26 (26,000 tugrik) per adult and \$13 (13,000 tugrik) per minor under the age of 18. During the year these fees were raised to \$50 (50,000 tugrik) and \$25 (25,000 tugrik) respectively.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol and it has no laws for granting refugee status. The Constitution contains a provision that addresses political asylum, but there are no implementing regulations; however, the MOJHA is in the process of drafting legislation to address both refugee status and asylum. The issue of granting of first asylum did not arise during the year.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, the authorities denied entry to some persons claiming refugee status, having determined that these persons were "economic immigrants" and not 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 by secret ballot and universal suffrage. Presidential, parliamentary, and local elections are held separately. In 2000 parliamentary elections brought the Mongolian People's Revolutionary Party (MPRP) back into power. In May the MPRP's presidential candidate was elected to a second and final term. International observers deemed the presidential election generally free and fair; some irregularities in the 2000 parliamentary elections generated improved election practices and procedures in May's presidential election. For example, new rules requiring 2-3 observers to be present for taking votes by a mobile box were introduced. Ballot papers

are printed out and distributed under strict control of political party observers. Cultural shows and other entertainment are prohibited during the election campaign period except at its start and end. The formation of the Government in 2000 highlighted constitutional questions concerning the President's relationship to Parliament and the Government, and the right of Members of Parliament to serve in the Government. Constitutional amendments meant to address these questions were passed by the Parliament in 2000 but vetoed by the President. Parliament overrode the veto and the amendments went into effect. In July, following his reelection, the President signed the amendments.

There are 18 registered political parties; 4 are represented in the Parliament.

Although there are no legal impediments to the participation of women or minorities in government and politics, the percentage of women in government and politics does not correspond to their percentage of the population. There are only 9 female members in the 76-member Parliament. There are no female ministers, but there is one female vice-minister. Women and women's organizations are vocal in local and national politics and actively seek greater representation by women in government policymaking.

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

A number of national, foreign 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.

In February Parliament established the NCHR to receive complaints from both citizens and foreign residents. The Commission consists of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years. The independent Commission is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGO's. The Commission's first public report in October criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws. The report also faulted Parliament and the courts for failure fully to protect human rights. The Commission reports directly to the Parliament. A human rights course is a requirement in the university law curriculum.

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

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

Women.—Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape. Domestic violence against women is a serious problem. There are no reliable or exact statistics regarding the extent of such abuse but a wide range of qualified observers believe that it is common, and could affect as much as one-third of the female population. In 2000 over 30 percent of those who received administrative punishment were involved in domestic violence, and 49.1 percent of them were charged with spousal abuse. Approximately 98.5 percent of those who commit violent crimes in the home are male. In 1998 crimes involving violence against women were 20.6 percent of all household crimes while in 2000 the number increased to 25.2 percent. Further, domestic abuse is becoming more violent; different statistical sources state that between 10 and 24 percent of murders occur in the home. In the last 3 years 206 murder cases were registered in the capital city; 13 percent of them involved the murder of females in the home. In 1998 murders of females were 8 percent of all murder cases; in 1999 and 2000 the number almost doubled to 14.1 and 16.6 percent respectively. After many years of government and societal denial, there is increasing public and media discussion of domestic violence, including spousal and child abuse. However, a common perception is that domestic abuse is either a family issue or not a problem at all. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics show that over 70 percent of the cases of family abuse are related to alcohol abuse. The high rate of alcohol abuse has contributed to increased instances of family abuse and abandonment, and has added to the number of single-parent families, most of which are headed by women. Although women's groups advocate new statutes to cope with domestic violence, there is no known police or government intervention in cases involv-

ing violence against women beyond prosecution under existing criminal laws after formal charges have been filed. However, women are hesitant to prosecute because of likely long-term detention of spouses in detention centers and the resulting loss of household income.

There are no laws against sexual harassment.

The family law which went into effect in 1999 details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and avoid the causes of some domestic violence. The National Center Against Violence continues to make progress in providing hot line services, shelters, and conducting training for police on how to deal with domestic violence cases. It expanded its work outside the capital to 10 additional provinces.

There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

The Constitution provides men and women with equal rights in all areas and, both by law and in practice, women receive equal pay for equal work and have equal access to education. Women represent about half of the work force, and a significant number are the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforces these provisions. Many women occupy midlevel positions in government and the professions, and many are involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a National Council to coordinate policy and women's interests among ministries and NGO's, and the Ministry of Social Welfare and Labor has a Department for Women and Youth Issues. There are approximately 40 women's rights groups that concern themselves with such issues as maternal and child health, domestic violence and equal opportunity.

Children.—Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of the most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties make it difficult for some children to attend school. In practice, female children over the age of 15 have better opportunities to complete their education than male children, because teenage males often are required to work at home and schools generally are located far from homes (See Section 6.d.). In addition there continues to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of support for communal raising of children. The Government is more willing to admit the extent of the problem of orphaned children, but it lacks the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGO's continued to assist orphaned and abandoned children. The Government does not publish statistics on street children; however, the 2000 census numbered homeless youths between 7 and 19 years of age at approximately 1,300. NGO's place street children in three categories: those who are homeless, those who have homes but left because of abuse or poverty, and those who beg or scavenge and return home at night. NGO's provide limited services to all three categories of street children. Groups working in the field disagree on the number of street children but estimate that it is as high as 3,000. Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 6.d.). The Government supports two private shelters, one for children from birth to age 3, and the other for children from 3 to 16 years of age. A number of charities and NGO's operate private shelters. While government facilities receive government funding, finances are inadequate and the Government uses foreign aid to help sustain the orphanages. The law stipulates the obligations regarding divorce, custody, and alimony to the benefit of the parent caring for children. It provides for more speedy resolution of divorce cases where the relevant agencies have determined that domestic violence is involved.

There is growing awareness that child abuse, often associated with parental alcoholism, is a problem. In conjunction with efforts to counter violence against women, NGO's have begun to address the issue. The Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. Awareness of child labor as a problem is growing (see Sections 6.c. and 6.d.). In October 2000, the Parliament ratified ILO Convention 182 on Worst Forms of Child Labor. In November the Government ratified the Optional Protocol to the Convention on Rights of the Child on the involvement of children in armed conflicts, and the Optional Protocol to the Con-

vention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Persons with Disabilities.—The 1999 Labor Law prohibits discrimination against disabled persons in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it does. There is no discrimination against disabled persons in employment and education. In practice, however, society shuns the disabled and most cannot find jobs. During the year the Government began implementing a section of the 1999 Labor Law that requires companies employing more than 50 persons to hire at least 3 disabled persons. Those who have been injured in industrial accidents have the right to be reemployed when ready to resume work, and the Government offers free retraining in 6 fields at a central technical school. There are several specialized schools for disabled youths, but they are free to attend regular schools. The Government also provides tax benefits to enterprises that hire the disabled, and some firms hire the disabled exclusively. There is no law mandating access for the disabled and, therefore, it is difficult for the disabled to participate fully in public life. However, during the year, the Government set aside a small sum to begin building wheelchair access ramps to public buildings. Disabled citizens' groups have demonstrated for higher government subsidies. Government pensions for the disabled are approximately 40,000 tugrik (\$40) per month. Estimates vary, but there are an estimated 40,000 disabled persons in the country. Approximately 30 NGO's participate in activities assisting the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimate that union membership remained constant at approximately 400,000, which represents less than half of the workforce. Workers who are self-employed or work at small, nonunionized firms generally do not belong to unions. No arbitrary restrictions exist on who may be a union official; officers are elected by secret ballot.

Union members have the right to strike. Those employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 58 strikes involving 5,419 workers.

Most union members are affiliated with the Mongolian Trade Unions Confederation, but some are affiliated with the newer Association of Free Trades Unions. Both organizations have ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively.—The law defines conditions and regulates relations between employers, employees, the trade unions, and the Government, making adjustments for the changes in the structure of the economy. The Government's role is limited to ensuring that a contract meets legal requirements as to hours and conditions of work. Wages and other employment issues are set between the employer, whether state or private, and the employee, with trade union input, if appropriate. The law also streamlines the process for dealing with labor conflicts. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law specifically prohibits forced or compulsory labor, including forced and bonded labor by children; however, enforcement is intermittent (See Section 6.d). In 2000 a foreign-owned garment factory was discovered to be requiring employees to work 14-hour shifts 7 days a week, deducting unreasonable sums from paychecks for miscellaneous expenses, and requiring 16- to 18-year-old workers to work excessive hours. Some members of the military forces in rural areas are required to help with the fall harvest. In many cases, prisoners work to support the detention facility or prison in which they are held, and detained alcohol abusers and petty criminals sometimes are required, as part of their sentences, to perform menial tasks such as street sweeping. Detainees are compensated financially for their work; prisoners are not, but receive credit toward time off of their sentences. There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law in general prohibits children under the age of 16 from working, although those who

are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, is the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement is limited due to the small number of labor inspectors and the growing number of independent enterprises. In 2000 a foreign-owned garment factory was found to be employing 16- to 18-year-old workers for periods in excess of the legal limits (see Section 6.c.).

Children work informally in petty trade, scavenging in dumpsites, scavenging coal from abandoned mines and herding animals. Increasing alcoholism and parental abandonment make it necessary for many children to have an income in order to support themselves, their siblings, and sometimes their parents. Figures vary as to the number of children in the labor force, but estimates are as high as 58,000.

Also, due to increasing economic pressures, fewer children are staying in school until age 18, especially teenage boys in the countryside (see Section 5). These children most often herd family animals, but reports of such children working in factories or coalmines have increased.

Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 5). The Government is aware of this development, and has established a National Committee for Children to address this and other child welfare issues.

In 2000 the International Labor Organization (ILO) established a national office for the International Program on the Elimination of Child Labor. There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

The Government prohibits forced and bonded labor by children, and generally attempts to enforce this prohibition (see Section 6.c.). Forced labor by children does exist in a few circumstances.

e. Acceptable Conditions of Work.—The legal minimum wage established for the year is under \$25 (25,000 tugrik) per month. The minimum wage alone is insufficient to provide a decent standard of living for a worker and family. This level applies to both public and private sector workers and is enforced by the Ministry of Social Welfare and Labor. Virtually all civil servants earn more than this amount, and many in private businesses earn considerably more. Some employees receive housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. Overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those under 18 years of age, the workweek is 36 hours, and overtime work is not allowed.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, and the Ministry of Social Welfare and Labor provides enforcement. The near-total reliance on outmoded machinery and problems with maintenance and management lead to frequent industrial accidents, particularly in the mining, power, and construction sectors. Effective enforcement of occupational health and safety standards is inadequate; the labor monitoring unit's 70 inspectors must inspect a growing number of enterprises throughout the country. However, over the past year, 42 additional, volunteer inspectors from NGO's assisted the labor monitoring unit. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There are a small number of foreign workers in the country. In general, they enjoy the same protections as citizens.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there is evidence that women and teenagers are working in the sex trade in Asia and Eastern Europe and may have been the victims of trafficking rings. The country is both a source and transit point for trafficking.

Although most officials and NGO's find it difficult to estimate the extent of the trafficking, increasing attention is being focused on the issue. It is believed that the primary targets of trafficking schemes are young women, ranging in age from 14 years to the mid-20s, who come from the middle class. These girls and women are lured abroad by offers to study or work. It is not difficult to traffic persons across the country's borders. Some NGO experts believe that members of the police sometimes are involved in trafficking young women and helping facilitate their move-

ment across the border. During the year, an NGO began providing training and education with respect to trafficking for police officials.

NAURU

The Republic of Nauru, a small Pacific island with approximately 10,500 inhabitants, gained independence in 1968, at which time it adopted a modified form of parliamentary democracy. The country is governed by a unicameral Parliament. The Nauru Island Council (NIC) was dissolved in 1999 by virtue of the Nauru Island Council (Dissolution) Act of 1999—that all assets and liabilities would vest in the Government of Nauru. The Parliament, which is elected at least triennially and consists of 18 members from 14 constituencies, is responsible for national and international matters. It elects the President, who is both Chief of State and Head of Government, from among its members. The judiciary is independent.

There are no armed forces, although there is a small police force (less than 100 members) under civilian control.

The economy depends almost entirely on the country's declining phosphate deposits. The government-owned Nauru Phosphate Corporation (NPC) controls the mining industry. The Government places a large percentage of the NPC's earnings in long-term investments meant to support the citizenry after the phosphate reserves have been exhausted. Financial mismanagement, corruption, and a shortage of basic goods and utilities have resulted in some domestic unrest, such as demonstrations outside of Parliament. Media reports indicate that substantial offshore deposits are associated with the country's banking facilities. The country is being investigated by the OECD'S financial action task force for alleged money laundering. The Government is working with the Pacific Finance Technical Assistance Center (an International Monetary Fund facility based in Fiji) and the Department of Justice to update its banking regulations.

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. Societal pressures limit women's economic opportunities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

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

The Government attempts to meet international prison standards within its limited financial means and in accordance with local living standards; however, prison conditions are basic, and food and sanitation are limited.

There are no local human rights groups, and the question of visits to prisons by human rights monitors has not been raised. Prison visits by church groups and family members are permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The police may hold a person for no more than 24 hours without a hearing before a magistrate.

The Government does not practice forced exile.

e. Denial of Fair Public Trial.—The judiciary is independent, and constitutional provisions for both a fair hearing and a public trial generally are respected.

The Supreme Court is the highest court when addressing constitutional issues; it is presided over by a judge who is also the Chief Justice of Nauru. Appeals against decisions of the Supreme Court on miscellaneous matters go to the Appellate Court of Nauru, which is comprised of two judges. Parliament cannot overturn court decisions. Cases may be brought before the High Court of Australia on Criminal and Civil Actions by virtue of the Appeals Act; however, legal decisions rarely are so reviewed. The District Court is presided over by a Resident Magistrate, who is also the Registrar of the Supreme Court. The Family Court is also presided by the Resident Magistrate as Chairman of a three-member panel. There are two other quasi-courts established under the Constitution: The Public Service Appeal Board and the Police Appeal Board. Both are presided over by the Chief Justice of Nauru as the chairman of the panel with two members for each board.

Defendants may have legal counsel, and a representative for the defense is appointed when required “in the interest of justice.” However, many cases never reach the formal legal process, since traditional reconciliation is used—usually by choice but sometimes under communal (not government) pressure. Contract workers from Kiribati and Tuvalu are employed predominantly in the mining sector and do not have recourse to effective communal assistance; they are particularly at a disadvantage in complaints against citizens. There are only two trained lawyers, and many persons are represented in court by “pleaders,” trained paralegals certified by the Government (see Sections 6.a. and 6.b.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally prohibits such actions, and the Government generally respects these prohibitions in practice. Searches not sanctioned by court order are prohibited, and there is no surveillance of individuals or of private communications. Citizenship and inheritance rights are traced through the female line. Marriage between women and foreign males may still draw social censure. The law extends the right of citizenship to both male and female spouses, provided that marital and residency requirements are met.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally 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 country has no regular print media. Occasional publications include the government bulletin. A newsletter called the Visionary is published sporadically and provides an independent and critical view of the Government. It has been particularly vocal regarding economic crises during the year. The sole radio station is owned and operated by the Government; it broadcasts Radio Australia and British Broadcasting Corporation news reports. Local television includes Nauru TV, which is government owned, as well as a privately owned sports network. There is Internet service in the country provided by a company established by the Nauru Trust Board.

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

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

Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions and often a sizable bond as a result. In most cases, foreign employees whose contracts are terminated by their employers must leave the country within 60 days.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. However, the Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The country has accommodated asylum seekers as a processing center for Australia. At year’s end, approximately 1,100 asylum seekers were being processed; eventually they will be sent to Australia or returned to their countries of origin.

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

The Constitution provides citizens the right to change their government. The Government also can be changed through a petition from the members of Parliament. Although there are no organized political parties, persons with diverse points of view run for and are elected to Parliament.

Parliament elects the President. There was a change in government in March, the first change in government since the general elections in April 2000. A new President was elected by Parliament, installed, and a new cabinet convened in April. During the country’s history, all of its changes in government have been peaceful and in accordance with the Constitution. Voting by secret ballot is compulsory for all citizens over the age of 20 for parliamentary elections. There were multiple candidates for all parliamentary seats during recent elections.

There are no legal impediments to participation in politics by women; however, the percentage of women in government and politics does not correspond to their percentage of the population. There are no female Members of Parliament.

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

There are no restrictions on establishing local groups that concern themselves specifically with human rights, but no groups have been formed. No allegations have been made by outside organizations of human rights violations in the country, nor have there been any requests for investigations.

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

The law prohibits discrimination on the basis of race, sex, religion, disability, language, or social status.

Women.—The Government does not keep track of incidents of physical and domestic abuse against women. However, credible reports indicate that sporadic abuse, often aggravated by alcohol use, occurs. Families normally seek to reconcile such problems informally, and, if necessary, communally. The judiciary and the Government treat major incidents and unresolved family disputes seriously.

The law assures women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women are free to own property and pursue private interests. However, in practice societal pressures limit opportunities for women to exercise these rights fully. There is a Women's Affairs Office to assist with professional opportunities for women.

Children.—The Government devotes resources for education and health care for children. Education is compulsory until age 16. Child abuse statistics do not exist, but alcohol abuse sometimes leads to child neglect or abuse. There were no reported cases of child abuse during the year.

Persons with Disabilities.—There is no reported discrimination in employment, education, and the provision of state services to persons with disabilities. However, no legislation mandates access to public buildings and services for persons with disabilities. Upon application to the Health Department, the Government will assist persons with disabilities by building access ramps to homes and workplaces.

There are no formal mechanisms to protect persons with mental disabilities; however, the Government at times provides essential services to the families of such persons.

National/Racial/Ethnic Minorities.—Nonnative Pacific Island workers experience some discrimination. While foreign workers are provided free housing, the shelters they are given often are maintained poorly and are overcrowded. In the past, some foreign workers alleged that the police rarely act on their complaints against citizens (see Section 6.e.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, and there are no trade unions. Past efforts to form unions were discouraged officially. The transient nature of the mostly foreign work force and the relative prosperity of the citizenry also have served to hamper efforts to organize the labor force. The right to strike is neither protected, prohibited, nor limited by law. No strikes took place during the year. There are no prohibitions or limits on the right of unions to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—While there are no legal impediments, collective bargaining does not take place. The private sector employs only about 1 percent of salaried workers. For government workers, public service regulations determine salaries, working hours, vacation periods, and other employment matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids forced or compulsory labor, including forced and bonded labor by children, and the Government effectively enforces these prohibitions.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets age 17 as the minimum age of employment. The only two large employers, the Government and the NPC, honor this rule. Some children under the age of 17 work in the few, small, family-owned businesses.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wages exist for office workers and manual laborers and provide an adequate, if modest, standard of living for a worker and family. Most families live in simple but adequate housing, and almost every

family owns some sort of motor vehicle. The Government sets the minimum yearly wage administratively for the public sector. Since November 1992, that rate has been \$6,562 (\$A9,056) for those 21 years of age or older. The rate is progressively lower for those under 21 years of age. Employers determine wages for foreign contract workers based on market conditions and the consumer price index. Usually foreign workers and their families receive free housing, utilities, medical treatment, and often a food allowance. Some noncitizen contract workers have complained about conditions in company living compounds. By regulation the workweek for office workers is 36 hours, and for manual laborers, it is 40 hours in both the public and private sectors. Neither law nor regulations stipulate a weekly rest period; however, most workers observe Saturdays and Sundays as holidays.

The Government sets health and safety standards. The NPC has an active safety program that includes an emphasis on worker education and the use of safety equipment such as helmets, safety shoes, and dust respirators. The NPC has a safety officer who is specifically responsible for improving safety standards and compliance throughout the company.

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

NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by the Prime Minister. Queen Elizabeth II is Chief of State and is represented by Governor General Dame Silvia Cartwright. The 120-member Parliament is elected in a mixed-member proportional representation system, with 6 seats reserved for members of the native Maori population. Citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

The national police maintain internal security, and the Minister of Police controls the force. The civilian authorities maintain effective control of the security forces. The police committed some abuses during the year.

The country has a population of approximately 3.8 million; it produces agricultural products and exports wool, meat, and dairy products. Tourism, forestry, fishing, and manufacturing are significant economic sectors. Disparities in wealth are small but increasing. Government social programs offer substantial benefits to disadvantaged persons.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Police abuse, violence against women, and societal discrimination against persons with disabilities, indigenous people, Pacific islanders, and Asians are problems; however, the Government has taken steps to address them. Child abuse is a problem. Trafficking in persons has been a problem in previous years; however, there were no cases during the year. The Government generally respected the human rights of citizens living in its territories of Tokelau, Niue, and Cook Islands.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of mistreatment, and the Government generally respects these prohibitions in practice.

Charges of police abuse increased slightly from 2000, and there were instances of police abuse during the year. The Police Complaints Authority accepted 2,468 complaints in 2000–01, which was a 1.64 percent increase over the previous year; however, the number of cases upheld declined by over 5 percent (from 159 to 150). There were only 3 cases of police misconduct in 2000 that involved deaths, down from 11 in 1999 and 21 in 1997–98. In another case, in May 2000, a police officer fatally shot a Maori youth, leading public officials, including the Prime Minister, to urge better police-Maori relations. The officer, also of Maori descent, was found by an internal police investigation in August 2000 to have acted in self-defense and was exonerated. The case continued during the year as the officer sought to protect his

identity from the public; however, in October the officer lost his court bid to maintain his privacy. There were no further investigations during the year.

Prison conditions generally meet international standards; overcrowding no longer is a significant problem. At year's end, the inmate population totaled 5,982 with prison bed capacity of about 6,000. The inmate population is projected to increase to about 6,040 by 2002. During the year, the female inmate population fell 22 percent from 300 in 2000 to 233. There were no reports that women were housed in men's prisons, as had occurred in 2000. Since 1999 the Government has been adding prison beds for women resulting in a total capacity of 344 beds. The Government is responding to overcrowding by building new prisons. In July 2000, the new Auckland Central Remand Prison opened with beds for 360 male inmates. Two other new prisons are scheduled to open in 2002 and 2003. Construction begun during 2000 to improve older prisons in Dunedin and Invercargill was completed during the year.

Assaults in prisons (mostly inmate on inmate) rose from 97 to 120 in 1999–2000; however, suicides declined from 8 to 6. Over 98 percent of prison officers are trained in suicide awareness.

The Government responded to a mid year strike by prison guards by ordering the armed forces to operate prisons; the strike lasted 2 weeks and was resolved by mutually acceptable compromises.

Maori inmates constituted more than half the prison population, although Maori represent only 15 percent of the general population. The Government sought to reduce the problem of Maori recidivism through Maori focus units, which integrate Maori values into the rehabilitation program (see Section 5).

Special problems also exist concerning the treatment of youth offenders. At year's end, 6 percent of the total inmate population was under the age of 20 compared with 18 percent in 1998. Two special units for inmates under the age of 17 and vulnerable 17- to 19-year-olds opened during 2000. They provide a peer-based approach to rehabilitation. In July 2000, the Government announced that it planned to build two new youth units and expand a third, increasing capacity for youth offenders by 142 beds by March; however, conflicts over their locations delayed the targeted completion dates of these facilities. Moreover, despite increases in capacity, a shortage of beds in youth facilities continued during the year. These juvenile detainees come under the jurisdiction of Child, Youth, and Family Services rather than the police. CYFS has a capacity of 100 beds and is seeking an additional 25. In one case, a 15-year-old male was kept in a police cell in Napier for 4 nights in October before there was available space in a youth facility.

The Government permits visits by independent human rights monitors.

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

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

There is an impartial judiciary, with the right of appeal to the Privy Council in London, United Kingdom, although this option rarely is invoked. Within the country, the Court of Appeal is the highest appellate court, and it determines appeals from the High Court, which has original jurisdiction for major crimes and important civil claims. The High Court also hears appeals from lower courts and reviews administrative actions. Remaining original jurisdiction rests with 110 judges of the district courts. Special courts include the Employment Court, family courts, youth courts, the Maori Land Court, the Maori Appellate Court, and the Environment Court.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

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

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally 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 generally respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. Under its refugee quota, the Government accepts up to 750 UNHCR-approved refugees per year. As part of this quota, in July the Government accepted more than 130 asylum seekers who were rescued from a sinking boat in international waters between Indonesia and Australia.

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 law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentarians are elected under a mixed-member proportional representation system; the last general elections were held in November 1999.

The percentage of women and minorities in government and politics does not correspond to their percentage of the population, although they are accorded full opportunity to participate in political life. In the 120-member Parliament, 36 seats are held by women; 16 by Maori; 3 by members of Pacific Island origin; and 1 by a member of Asian heritage. The Executive Council has 25 ministers (20 within the Cabinet and 5 outside the Cabinet) including 10 women (1 of whom is the Prime Minister), 4 Maori, and 1 Pacific Islander. The Cabinet has seven women, two Maori, and one Pacific Islander. The Prime Minister, the former opposition leader, and the Chief Justice are women. In April Dame Silvia Cartwright took office as the new Governor General representing Queen Elizabeth II of England.

The percentage of women in government and politics in the dependent territories of the Cook Islands, Tokelau, and Niue does not correspond to their percentage of the population. Of the 25 members of the Cook Islands Parliament, 2 are women. In Niue, 2 of 20 are women.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The Human Rights Commission, a U.N.-accredited national human rights institution, investigates complaints of human rights violations and unlawful discrimination and acts as a conciliator. The Government also funds the office of a race relations conciliator, which was integrated into the National Human Rights Commission on December 31.

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

The law prohibits discrimination on the basis of race, sex, religion, disability, and language, and the Government effectively enforces it.

Women.—Violence against women is a serious and growing problem. Assaults by males against females increased by more than 5 percent from 6,956 for the year as of June 2000 to 7,324 at the end of June. Publicity regarding domestic violence increased significantly after government ministers pressured a women's refuge coordinator in August 2000 not to publicize statistics regarding Maori spousal and child abuse rates. The total number of breaches of the Domestic Protection Act (including all races) increased from 4,200 in 2000 to 4,429 as of June. Over 150 cases involved a firearm when breaching protection orders. According to a 1994 Public Health Commission study (the latest statistics available), Maori women between the ages of 15 and 24 were 7 times more likely than non-Maori women to be hospitalized as a result of domestic assault. According to government statistics, 5,056 men were prosecuted for domestic assault in 1998, and about 1,000 more faced less serious family violence charges. In this study, Maori men constituted 41 percent of men convicted of assaulting a woman and 43 percent of men convicted of assaulting a child. Disproportionately high rates of domestic abuse also were documented among Pacific Islander families. Statistics not desegregated by race show that convictions for

“male assaults female” fell 3.9 percent from 2,331 cases in 1999 to 2,240 cases in 2000. Assaults on a child fell 13 percent from 214 cases in 1999 to 186 cases in 2000.

The law penalizes spousal rape. The Government convicted persons on this charge during the year; however, it does not collect specific statistics on the offense. The National Collective of Rape Crisis groups, a private, nonprofit organization, claimed in 1998 that the majority of cases go unreported each year and that, of the cases that are reported to the police, only 10 to 15 percent result in convictions. The group reported that husbands and boyfriends committed about 25 percent of all sexual assaults.

The 1996 Domestic Violence Act broadened the definition of violence to include psychological abuse, threats, intimidation, harassment, and allowing children to witness psychological abuse. It expanded intervention measures, such as the use of protection orders; education programs for men, women, and children; stronger police powers to arrest and detain offenders; improved access to legal services for women eligible for legal aid; and tougher penalties for breach of a protection order. The family court received 22,369 applications for protection orders under the act as of June 30.

The Government’s strategy to prevent family violence included a range of objectives, such as providing victim support, incorporating successful innovations and proven methods from family violence centers into the national family violence programs (that is, the promotion of “best practice”), ensuring safety from violence, and implementing Maori-designed and delivered programs. The Government partially funded women’s refuges, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

In previous years, there were a small number of documented cases of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally is not practiced in the country, but cases have been documented in the Somali, Sudanese, and Ethiopian immigrant communities. The influx of persons from countries in which FGM is prevalent has slowed. In 1996 the Government made it illegal to perform FGM or to remove a child from the country to carry out the procedure; it is punishable by up to 7 years in prison. To address FGM, during the year, the Government sponsored public awareness campaigns, a child protection network, and a special clinic at the country’s largest women’s hospital. There were no FGM cases reported during the year.

Prostitution is legal; however, organizing and recruiting women into prostitution is not. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts. There were no reports of abuse and the involuntary detention of women involved in prostitution during the year (see Section 6.f.). In 2000 there were several credible reports that women were trafficked into the country and forced into prostitution; however, there were no such reports during the year (see Sections 6.c. and 6.f.).

The law prohibits sexual harassment; however, it is a serious problem. In a survey commissioned by the National Human Rights Commission, 31 percent of women and 13 percent of men reported experiences of sexual harassment. In September the commission started a Sexual Harassment Prevention Campaign, including a week focused on the problem, to attempt to eliminate the abuse.

While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government continued to acknowledge that a gender earnings gap persists in practice. Statistics as of August showed that women earned 84.6 percent of men’s average total wage and 84.55 percent of men’s average ordinary hourly wage, down from 86 percent in 2000.

Children.—The law provides specific safeguards for children’s rights and protection. The Government demonstrates its commitment to children’s rights and welfare through its well-funded systems of public education and medical care. In November the Government instituted 12 weeks of government-funded, paid parental leave to care for children born after July 2002.

The law provides for compulsory, free, and universal education through age 16, and the Government effectively enforces the law. The Government provides free health care to all children under age 5.

Child abuse continued to gain significant attention during the year, especially after three toddlers died of physical abuse. In June a woman was sentenced to 6 years in prison after pleading guilty to killing her 23-month-old niece. A second family member also received a prison sentence for involvement in the death of the child. In July 2000, a toddler was killed, and a second child suffered brain damage, as a result of abuse by family members. Family members were sentenced to 6 years in prison. During the year, Child, Youth, and Family Services were notified of 2,370

cases of physical abuse, 1,412 cases of sexual abuse, and 2,424 cases of severe emotional abuse of children. In the year ending June 30, 2000, 2 children under age 15 died in assaults, down from 12 in 1997. In the past, the Government has reported that Maori children are four times as likely as non-Maori children to require hospital care for injuries resulting from deliberate harm. In August 2000, the Government instituted an expanded program of information sharing between the courts and health and child protection agencies to identify children at risk of abuse. Notifications to child protection agencies of at-risk children increased by 30 percent in the program's first month; total notifications over the year increased by 4 percent. Applications to family court included protection of more than 33,000 children.

In previous years, there were a small number of documented cases of FGM, which usually is performed on young girls, in the Somali, Sudanese, and Ethiopian immigrant communities (see Section 5, Women).

Incidents of trafficking in children for sexual purposes have been documented; however, there were no instances during the year. The Government works with the nongovernmental organization (NGO) ECPAT NZ to combat trafficking in children and to develop legislation that would criminalize trafficking (see Section 6.f.); however, legislation was not completed during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provision of goods, services, and accommodation. Compliance with access laws varies. The Human Rights Amendment Act passed in 1999 introduced a new standard for government compliance to replace the exemption for government that expired during the year. The Government is prohibited from discrimination on the basis of disability, mental or physical, unless such discrimination can be “demonstrably justified in a free, democratic society.” The Human Rights Commission reported during the year that it received more complaints of discrimination based on disability than any other type of discrimination. The International Labor Organization (ILO) has criticized the Government for not collecting adequate data regarding the employment of persons with disabilities.

During the year, the Human Rights Commission funded a public campaign to feature prominent citizens who have suffered from mental disabilities.

Indigenous People.—Approximately 15 percent of the population claim at least one ancestor from the country's indigenous Maori or Moriori minorities. While the law prohibits discrimination against the indigenous population, the Government's Closing the Gaps report, released in May 2000, noted the continuing disproportionate number of Maori on the unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households. For example, the official Maori unemployment rate (12.3 percent) is over 3 times that of non-Maori. Maori officials continued to express concern over the Government's announcement in November 2000 that it would shift its Closing the Gaps strategy to address socioeconomic disparities rather than race-based disparities.

Maori inmates constitute more than half the prison population. The Government addressed the problem of recidivism among Maori through Maori focus units, which integrate Maori values into the prison rehabilitation program. A special program for Maori sex offenders, Kia Marama, halved the rate of recidivism among those who participated.

Government policy recognizes a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that have an effect on commercial development. The Ministry of Maori Development, in cooperation with several Maori NGO's, seeks to improve the status of indigenous people. A special tribunal continues to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

National/Racial/Ethnic Minorities.—Pacific Islanders, who make up 5 percent of the population, experience societal discrimination similar to that experienced by Maori. Pacific Islanders also are overrepresented in the prison system, accounting for 10 percent of inmates. Asians, who make up less than 5 percent of the population, also experience discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to establish and join organizations of their own choosing. The principal labor organization is the New Zealand Council of Trade Unions, a federation that includes unions representing various trades and locations. In August 2000, the Council of Trade Unions merged with the second-largest labor federation, the New Zealand Trade Union Federation. As a result, nearly all unionized workers are members of the Council of Trade Unions. A few small, independent labor unions also exist. Unions represent fewer than 20 percent of all wage earners.

Labor organization is rudimentary in the territory of Tokelau (population 1,500) and in the Freely Associated State of Niue (population 1,700). In the more developed Associated State of the Cook Islands (population 19,000), most workers in the public sector, the major employer, belong to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of national legislation.

The law protects unions from governmental interference, suspension, and dissolution. Unions influence legislation and government policy. Some unions are affiliated with the Labor Party; others operate independently of political parties; all are free to support parties whose policies they favor.

Unions often exercise the right to strike. Significant limitations on the right to strike were eliminated when the Employment Relations Act (ERA) replaced the Employment Contracts Act in October 2000; unions are no longer limited to strikes related to the negotiation of a collective contract and may strike in pursuit of multi-employer contracts across an entire economic sector.

In the 12 months that ended in June there were 33 work stoppages, involving approximately 5,265 workers and the loss of approximately \$1.216 million (\$NZ2.897 million) in wages and salaries.

Under the law, "sworn police officers," that is, all uniformed and plainclothes police but excluding clerical and support staff, are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and to bargain collectively. Disputes that cannot be settled by negotiation between the Police Association and management are subject to compulsory, final-offer arbitration. Other than the police and armed forces, essential service employees such as prison workers are permitted to strike.

The Freedom of Association Committee of the ILO ruled in 1994 that the Employment Contracts Act of 1991 does not promote collective bargaining and limits the right of freedom of association and the right to strike in a manner inconsistent with ILO conventions. The Government contends that the ERA of 2000 is consistent with ILO conventions. Discussions with the ILO to confirm this understanding continued at year's end. Sympathy strikes, secondary strikes, and strikes over social or political causes are illegal. Unions may affiliate internationally. The New Zealand Council of Trade Unions is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and contract collectively, and this right is observed in practice. In 2000 the Government changed the law governing industrial relations significantly. It repealed the Employment Contracts Act of 1991 and replaced it with the Employment Relations Act. The ERA promotes collective bargaining, strengthens unions, and requires that parties to an employment agreement bargain in good faith to achieve either a collective or individual employment agreement. The act also promotes mediation and attempts to reduce the need for judicial intervention. The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively; however, other than police and armed forces personnel, public services employees may organize and strike.

Unions represent fewer than 20 percent of all wage earners. Under the ERA, employment relationships are based on contracts. Individual employees and employers may choose to conduct negotiations for employment contracts on their own behalf, or they may authorize any other person or organization to do so on their behalf. Although choosing a union is entirely voluntary, unions have remained the most common agents used by workers to negotiate with employers. Employers must recognize a representative authorized by an employee or employees.

The Government does not control mediation and arbitration procedures. The ERA strongly encourages mediation and requires that the majority of employment disputes first proceed through mediation. It also established an Employment Relations Authority as an investigative body to establish the facts of an employment relationship dispute and to make a determination according to the merits of the case. There is also an employment court with exclusive jurisdiction over employment matters. Appeals from the Employment Court to the Court of Appeal are possible. Firing an employee for union activities is grounds for a finding of unjustified dismissal and may result in reinstatement and financial compensation.

The law prohibits antiunion discrimination against members and organizers. In one case, the courts fined a major company for having union organizers arrested for trespass when the organizers were conducting a labor compliance survey at the company facility.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children; and there were no re-

ports that such practices occurred. Inspection and legal penalties ensure respect for provisions against forced labor. There were no reports of the involuntary detention of women involved in prostitution or the trafficking of women for prostitution during the year (see Section 6.f.). In April 2000, the Government convicted and fined the operators of a factory in Auckland in which workers had been exploited; seven Thai women escaped slave labor conditions in October 1999 (see Section 6.f.). One formerly trafficked woman won compensation in Thailand, outside the court system, from a trafficker (see Section 6.f.). The victim's receipt of the compensation was verified.

Trafficking in women and children appears no longer to be a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Department of Labor inspectors effectively enforce a ban on the employment of children under the age of 15 years in manufacturing, mining, and forestry. Children under the age of 16 may not work between the hours of 10 p.m. and 6 a.m. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

On June 14, the Government ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded child labor and enforces this prohibition effectively; although trafficking in children has been a problem, there were no cases during the year (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—A 40-hour workweek is traditional. There are legal limits regarding hours worked; for example, professional drivers must have a 24-hour rest period after an 11-hour day; there is premium pay for overtime work. While the law does not provide specifically for a 24-hour rest period weekly, management and labor accept the practice, and it is the norm. The law provides for a minimum 3-week annual paid vacation and 11 paid public holidays. In 2000 the Government mandated an hourly minimum wage of approximately \$3.20 (\$NZ7.70) and lowered the minimum age of eligibility for this wage to cover workers ages 18 to 20. Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally is adequate to provide a decent standard of living for a worker and family. The minimum wage for younger workers (ages 16 to 17) is 60 percent of the adult minimum. A majority of the work force earned more than the minimum wage. The youth minimum wage of approximately \$2.26 (\$NZ5.40) applies to workers of ages 16 to 17. This rate is scheduled to rise to \$2.85 (\$NZ6.15) in March 2002.

Extensive laws and regulations govern health and safety issues. Under these rules, employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others. As a result of union criticism, the law is under review by Parliament; however, at year's end there had been no action resulting from the review. Workers have the legal right to strike over health and safety issues. Unions, and members of the general public, may file safety complaints on behalf of workers. Department of Labor inspectors effectively enforce safety and health rules, and they have the power to shut down equipment if necessary. The Department of Labor standard is to investigate reports of unsafe or unhealthy working conditions within 24 hours of notification. Inspectors may issue notices of deficiencies and bring prosecutorial action to enforce workplace safety. Workers have the right to withdraw from a dangerous work situation without jeopardy to continued employment.

Labor laws are applied to foreign workers in the same manner as they are to citizens.

f. Trafficking in Persons.—The law does not address trafficking in persons specifically, and the applicable related crime, aiding and abetting the breach of immigration regulations, carries relatively light penalties; however, there were no reports that persons were trafficked to, from, or within the country during the year. Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison and, in recent years, have been used to prosecute citizens for trafficking in women and girls.

There were no incidents of trafficking in children for sexual purposes documented during the year.

Trafficking in women and children (particularly from Thailand) to work in the sex industry has been a problem. There were several credible reports that women and children were trafficked into the country during previous years; however, there were no such reports during the year. In 2000 domestic NGO's and the Human Rights Commission assisted six Thai women in repatriating to Thailand after they escaped forced work in the sex industry. One of the women sued in New Zealand to recover

money that she had paid to traffickers; she claimed that the defendants had advertised the work as catering or agriculture. During the year, she received compensation outside the legal system after having returned to Thailand. In October 1999, seven Thai women were freed from slave labor conditions in an Auckland factory (see Section 6.c.). During the year, the Government ended visa free-entry for Thais.

The Government is working to develop legislation to criminalize trafficking and works with an NGO, ECPAT NZ, to combat trafficking in children. A coalition in Auckland was established to provide information to persons at risk of being trafficked into the country.

PALAU

Palau, formerly a U.N. trusteeship administered by the United States, became an independent nation in free association with the United States on October 1, 1994. The democratically elected government is modeled after that of the United States. The Constitution provides for executive and legislative branches and free and fair elections. The legislature, the Olbiil Era Kelulau, consists of 2 equal houses, the 9-member Senate and the 16-member House of Delegates. Members of the Olbiil Era Kelulau are elected for 4-year terms. The President and Vice President also are elected for 4-year terms. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr., won the presidential race and Senator Sandra S. Peratozzi became the first woman vice president. The country is organized politically into 16 states. The judiciary is independent.

Palau has no security forces other than local police and civilian law enforcement personnel; all are under the effective control of the civilian authorities. The country also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government. Under the Compact of Free Association, the United States is responsible for the country's defense.

The country's population is approximately 19,100. The per capita gross domestic product is \$7,510, according to the latest report in 2000. The country's small, market-based economy is largely sustained by transfer payments from the United States. The Government employs nearly half of the work force. Tourism and other service sectors account for most other paid employment. Tuna, harvested by foreign-operated fleets, is the dominant export. Several small-scale operations, employing foreign workers, assemble clothing from imported materials for export. Traditional subsistence agriculture and fishing are diminishing as persons move to urban areas in search of employment. An increasing number of Chinese farmers operate vegetable farms that compete with indigenous farmers; most indigenous farmers work and sell what they produce from their own land.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. The loosening ties of the extended family and the increasing abuse of alcohol and other drugs are major contributing factors that lead to instances of domestic violence and child neglect. Societal discrimination and some abuse against certain foreign workers, who account for nearly 30 percent of the population and 73 percent of the paid work force, is also a serious problem. There were reports of persons being trafficked to the country from the People's Republic of China, the Philippines, and Taiwan.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

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

Prison conditions generally meet international standards, and the Government permits visits by independent human rights monitors. The sole prison is inspected regularly by government health and sanitation officials. There is a local chapter of the International Committee of the Red Cross (ICRC); however, it has not visited the prison.

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

Warrants for arrests are prepared by the Office of the Attorney General and signed by a judge. Detainees have prompt access to families and lawyers. If a detainee cannot afford a lawyer, the Public Defender or a court appointed lawyer is available. There is a functioning system of bail. Lengthy pretrial detention is not a problem.

The Government does not use forced exile.

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

The judiciary consists of the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Government has an independent special prosecutor and an independent public defender system. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right vigorously.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally 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.

The Internet is easily accessible; the Government does not control or limit its use. Academic freedom is respected.

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

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

The Government does not promote or restrain religious activities; however, it regulates the establishment of religious organizations by requiring them to obtain charters as nonprofit organizations from the office of the Attorney General. This registration process is not protracted, and the Government did not deny any groups registration during the year.

Employers have complained to the Division of Labor in the Ministry of Commerce and Trade that the religious practices of Bangladeshi Muslims interfere both with activity in the workplace and with the living arrangements of the employing families. In response the Ministry decided in 1998 to deny work permits to Bangladeshi workers in the future. On July 21, the Ministry extended this policy to Indians and Sri Lankans. Workers present in the country at the time of the decision were not expelled.

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

The Government has not formulated a policy regarding refugees, asylees, or first asylum, and government practice remains undefined. However, there were no reports of the forced return of persons to a country where they feared persecution or the expulsion of anyone having a valid claim to refugee status. The issue of cooperation with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees has never arisen.

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

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

The Constitution provides for executive and legislative branches. The legislature, the Olbil Era Kelulau, consists of 2 equal houses, the 9-member Senate and the 16-member House of Delegates. The President and Vice President are elected by popular vote and have no limit on the number of their terms, except that the President may only serve two consecutive terms. Although there have been political parties in the past, there were none during the year. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr., won the presidential race, and Senator Sandra S. Peratozzi became the first woman Vice President.

There are no legal impediments to women participating in government and politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. After the election, women held office in 12 of the 16 state legislatures, where they constituted 11 percent of the membership (an increase from 7 percent in the previous election). No women were elected to the Olbiil Era Kelulau in the 2000 election. The controversy over seating Elias Chin as a senator following his election in November 2000 remained unresolved at year's end, pending clarification of his credentials and citizenship.

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

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

The Palau Red Cross Society opened its office in 1996; in November 1997, the Palau Red Cross Society joined the International Federation of Red Cross and Red Crescent Societies.

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

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or belief, social status, or clan affiliation, and the Government observes these provisions.

Women.—There were many incidents of violence against women, mainly domestic abuse. Alcohol and illegal drug abuse increasingly contributed to this problem. According to the Attorney General's office, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year, but many more are believed to be unreported. Although assault is a criminal offense, women are reluctant to prosecute their spouses.

The law prohibits rape, including spousal rape; however, such crimes are not common. The Bureau of Public Health and the Bureau of Public Safety have urged all victims of crime, including rape, to report offenses.

Although prostitution is illegal, the law does not specifically prohibit sex tourism. Prostitution is a problem, and two Chinese nationals were convicted and deported during the year. A case against a Philippine citizen was pending at year's end.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for human resources and clinical services. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

Since 1993 local women's groups have organized an annual women's conference that focuses on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials including the President, Vice President, ministers, and traditional chiefs have participated in the conference to discuss these issues. Women's group leaders and government officials agree that changes are needed to improve the country's educational system and to reduce illegal drug use among youth. The women's conference held in March continued its focus on previous issues and problems.

Children.—The Government provides a well-funded system of public education and medical care for children. There is no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Education is mandatory from ages 6 to 17. It is compulsory, free, and universal. Ninety-four percent of school-age children attend school; of these, 97 percent finish elementary school, and 78 percent complete high school. Girls and boys receive equal treatment in health care services.

There is no societal pattern of abuse directed against children. While there have been a few instances of child abuse, cases have been prosecuted successfully by the Office of the Attorney General. While children's rights generally are respected, there were reports of several instances of child neglect, which is a byproduct of the breakdown of the extended family. Child prostitution is neither accepted within society nor practiced.

Government officials and representatives from nongovernmental organizations agree that changes are needed to improve the educational system and to reduce illegal drug abuse among youth.

Persons with Disabilities.—The National Code includes a Disabled Persons Anti-discrimination Act and a Handicapped Children Act, and the Government enforces the provisions of these acts. No instances of discrimination against persons with disabilities were reported. The law requires building access for persons with disabili-

ities, and most government and business buildings have access for such persons. The public schools have established special education programs to address problems encountered by persons with disabilities.

National/Racial/Ethnic Minorities.—Non-Palauans are prohibited from purchasing land or obtaining citizenship. The rapid increase in foreign workers, who according to the May 2000 census constitute nearly 30 percent of the population and 73 percent of the work force, is viewed negatively by a majority of citizens. Foreign residents are subject to some forms of discrimination and are targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Credible complaints are made by foreign residents that crimes against non-Palauans are not pursued or prosecuted by authorities with the same vigor as crimes against citizens. Certain foreign nationals experience generalized discrimination in employment, pay, housing, education, and access to social services, although such discrimination is prohibited by law. While precise data is lacking, there continued to be anecdotal reports regarding the abuse of workers' civil rights perpetrated against domestic servants, female bar workers, construction laborers, and other semiskilled workers, the majority of whom are from the Philippines, the People's Republic of China, and Taiwan. The most common abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, at times, physical abuse (see Section 6.a.). In a number of instances, local authorities have taken corrective action when alerted by social service and religious organizations to which foreign workers have turned for assistance. Nonetheless, foreign workers often are reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all persons to assemble peacefully or to associate with others for any lawful purpose, including the right to join and organize labor unions. There are no active employee organizations.

The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There were no strikes during the year.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning trade union organization, including collective bargaining, although there are no legal impediments to either. Wages in the cash economy are determined by market factors.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery or involuntary servitude except to punish crime. The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occur. Instances were reported of foreign workers, especially domestic helpers and unskilled laborers, who were forced to accept jobs different from those for which they were recruited. The freedom of foreign workers to leave employment situations not to their liking may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited.

There were reports that women and some men were trafficked to the country to work in karaoke bars as hostesses and prostitutes, as domestics in private homes, and on construction sites (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the Government shall protect children from exploitation; children are protected by the general constitutional provision against forced and bonded labor, and such practices are not known to occur (see Section 6.c.). There is no minimum age for employment. Children typically are not employed in the wage economy, but some assist their families with fishing, agriculture, and other small-scale family enterprises. By regulation no foreigner under the age of 21 may be admitted into the country for employment purposes, and the Government enforces this regulation effectively.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The law sets the minimum wage at \$2.50 per hour. Foreign workers are not included under from the minimum wage law. The minimum wage appears to be sufficient to provide a worker and family with a decent standard of living. Anecdotal evidence indicates that unskilled workers for commercial firms (usually foreigners) are paid only \$1.50 to \$2.00 per hour. However, foreign workers usually are provided, in addition to their wages, with basic accommodations and food at no or nominal cost. Although these wages are low, the country continues to attract large numbers of foreign workers from the Philippines, People's Republic of China, and Taiwan. There are more than 7,000 foreign nationals

with work permits in the country, 61 percent from the Philippines. Philippine-based illegal recruiters who falsified the workers' documents recruited a majority of the workers from the Philippines. These falsified documents eventually lead to problems between employers and employees. In 1998 the Philippines opened an embassy in Koror and informed the Government and the public about the Philippine Government recruiting office with responsibility for overseeing Philippine workers overseas and issuing overseas working permits. The Embassy has been working closely with the Government's Labor Division to resolve the problems created by the falsified documents, and it interceded in several cases involving allegations of worker abuse during the year; it also assisted in the repatriation of several workers.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on specific complaint of the employees, but actual enforcement is sporadic. Working conditions vary in practice. No law specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no law protects workers who file complaints about such conditions.

As the number of foreign workers increases, there continued to be increasing numbers of reports of mistreatment of such workers by their employers. These incidents of alleged mistreatment are common knowledge among the general public but rarely are reported to law enforcement authorities by the foreign workers due to fear of their employers. Some types of mistreatment that foreign workers consistently complain about include physical and verbal abuse; being required to work overtime and on days off without pay; employers withholding monthly salary; employers and recruiters deducting the amount of airfare from salaries; and substandard housing. Some workers also complained that they are not provided sufficient food. The foreign workers most likely to be abused are those who work under contracts and earn between \$100 and \$300 a month as domestic helpers, construction workers, farmers, waitresses, beauticians, and hostesses in karaoke bars and massage parlors. Under the terms of their contracts, they also are to be provided room and board and air travel from their home country to Palau and back after the termination of their contracts. It generally is assumed that legislators specifically exempted contract workers in the 1998 minimum wage bill to ensure a continued supply of low cost labor in industries that the legislators often control.

f. Trafficking in Persons.—The Constitution does not prohibit specifically trafficking in persons. There were reports of women and some men being trafficked to the country from the People's Republic of China, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes, as domestics in private homes, and on construction sites. In one case, six Russian women were lured to the country with promises of legal employment; however, upon arrival in 1999 they were forced to engage in prostitution. Following complaints to police by several of the women, four People's Republic of China nationals were arrested, tried, convicted of conspiracy to commit prostitution (1-year sentence suspended), fined \$1,000, and deported in February. The freedom of foreign workers to leave employment situations not to their liking or into which they were forced may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited (see Section 6.c.).

The country has no laws against trafficking in persons; however, there are laws against slavery, fraud, and prostitution. The Divisions of Immigration and Labor are involved in combating trafficking; however, the Government lacks funding and expertise to address the problem in practice. There is no formalized assistance available for victims, and victims normally are detained, jailed, or deported if they have committed a crime such as prostitution. There are no NGO's that specifically address trafficking.

PAPUA NEW GUINEA

Papua New Guinea has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections. The judiciary is independent.

The Government has constitutional authority over the Defense Force, the Royal Papua New Guinea Constabulary, and the National Intelligence Organization. A brief mutiny in March by members of the Defense Force over proposed reforms ended with the proposed reforms dropped, stolen weapons returned, and amnesty

accorded to the mutineers; reforms have been revised and reinstated. Members of the constabulary committed serious human rights abuses.

The population is just over 5.1 million, and there are more than 800 distinct indigenous languages. The economy relies heavily on the export of minerals, hydrocarbons, tropical timber, and tree crops such as coffee, cocoa, and copra; national income is sensitive to changes in world commodity prices. During the year, the national currency, the kina, continued to weaken in foreign exchange markets although domestic inflation fell below 10 percent for the first time in 3 years. Persistent macroeconomic stagnation mainly was a result of external factors, such as low commodity prices. Crime, especially in urban areas, is a critical problem. Approximately 85 percent of the population resides in isolated villages and engages in subsistence and smallholder agriculture. Poor performances by the public health and education systems are among the country's most important challenges. For a majority of citizens, income and educational levels are low, and infant and maternal mortality rates are high.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed arbitrary or unlawful deprivations of life, used excessive force, such as beatings, when arresting and interrogating suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several geographic areas continued to be poor. Court understaffing reduced the number of court hearings and increased pretrial detention periods for many persons. Police infringed on citizens' privacy rights. The Government continued to limit freedom of assembly in the form of marches or demonstrations. Extensive violence and discrimination against women were problems, and abuse of children appeared to be growing. Discrimination against persons with disabilities persisted, and violence between tribes remained a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The police killed several persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, in one case, a suspected criminal in police custody was beaten to death by police officers; no action was taken against the police. Other similar incidents have been reported.

On June 26, police officers fired weapons during demonstrations organized by university students in Port Moresby (see Section 2.b.). Four persons died of gunshot wounds, and approximately 20 persons were injured. The Government imposed a nighttime curfew in Port Moresby for the following 2 months. The Government also ordered an independent inquiry into the shootings by a former judge. At year's end, the results of the inquiry had not been released to the public.

In 2000 police beat a youth to death in front of bystanders in Port Moresby and, in another Port Moresby case, the police apprehended an intoxicated man whose corpse subsequently was discovered in an isolated area. During the year, no action was taken against the police in these cases.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances also may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations also are investigated and reviewed by a coroner's court.

No human rights violations were reported in connection with military operations during the year. Although four soldiers suspected of complicity in the killing of Bougainville Transitional Government Premier Theodore Miriung in 1996 were questioned by police in 1999, no arrests were made and no further progress has been reported. In August several members of Parliament called on the Government to resolve the case; however, at year's end, the Government had made no response.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and other cruel or degrading treatment or punishment; however, police often beat suspects during arrests, interrogations, and while suspects are held in custody awaiting trial. Although abuses in previous years such as citizens being permitted to beat suspects and the rape of female detainees by police reportedly did not occur during the year, no action was taken against offenders in previous cases.

Prison conditions are poor. The prison system suffers from serious underfunding, which results in the deterioration of infrastructure and the poor delivery of services. Prisons closed in 2000 because of life-threatening conditions remain closed, and there has been no new construction. There were no reports of deaths in prisons. Male and female inmates are housed separately. Prisoners are often confined in crowded conditions in police stations. Some prisons are seriously overcrowded, most frequently in urban areas. Prison guards' living conditions are as poor as those of the prisoners. During the year, there were several prison escapes, and there were approximately 200 escaped prisoners nationwide at year's end. For example, on September 25, 62 prisoners escaped from the Bomana jail near Port Moresby; approximately half have been recaptured. Forty-eight of the escaped prisoners were being held on remand while awaiting trial. According to government officials, in 17 of 20 prisons nationwide, the number of detainees on remand equaled or exceeded the number of convicted prisoners. Overcrowding is exacerbated in rural areas by infrequent court sessions and bail restrictions for certain crimes (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The courts generally enforce constitutional protections against arbitrary arrest and detention. Under the law, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Suspects who are arrested have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Due to limited police and judicial resources and a high crime rate, suspects often are held in pretrial detention for long periods of time. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level. However, cases frequently are delayed for months awaiting results of police investigations. Additionally, circuit court sittings were infrequent because of a shortage of judges and funds, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for more than 2 years because of the shortage of judges. During the year, the Government increased the number of full-time judges and took steps to expand training of the judiciary.

Forced exile is prohibited by the Constitution and is not used.

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

The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There also are village courts headed by lay persons, who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforces these provisions. Defendants have the right to an attorney. Legal counsel is provided by the Public Solicitor's office for those accused of "serious offenses" who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges creates delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such action; however, there were instances of abuse. In January 2000, heavily armed police searched the home of a man accused of a nonviolent offense. Subsequently, the court agreed that the search was politically inspired and police methods were excessive and contrary to constitutional protections of privacy; however, no action was taken against the police during the year. Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids. Paramilitary police units operating in highlands regions use intimidation and destruction of property to suppress tribal fighting (see Section 5). The extent of such tribal fighting is unknown, and many incidents are not reported. More than 20 persons were killed in tribal fighting in the Southern Highlands during December.

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.

The media provided independent coverage and analysis of major issues, including accusations of corruption in government and excessive use of force by police officers.

The combined circulation of 2 daily English-language newspapers is less than 60,000. Two weekly newspapers, one in English and one in Melanesian Pidgin (the national lingua franca), also are published. All freely express a variety of editorial viewpoints and report on controversial issues such as alleged abuses by police, cases of alleged corruption by government officials, and political opposition views. A foreign firm with extensive timber interests owns one of the dailies; the newspaper's coverage of logging and forestry is one-sided, but it generally is independent and unbiased on other issues.

The television broadcasting company, EMTV, is government controlled; however, two cable companies are independent. Television reception is limited mostly to the capital and provincial centers. The government-owned National Broadcasting Corporation owns two radio networks whose effectiveness is limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding to other areas of the country. There are local radio stations in cities other than Port Moresby.

The Internet is becoming common in cities; it is privately operated.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Public demonstrations require police approval and 14-days' notice. Police assert that they fear violence from unruly spectators and rarely give approval. On June 26, police fired on students during a demonstration (see Section 1.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Associations that wish to open a bank account and conduct financial transactions are required to register for this purpose. The process of registration may be slowed by bureaucratic inefficiency, but there is no policy of denying registration. International affiliation of church and civic groups is permitted freely.

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

It is the policy of the Department of Education to set aside 1 hour per week for religious instruction in the public schools. Church representatives teach the lessons, and the students attend the class operated by the church of their parents' choice. Children whose parents do not wish them to attend the classes are excused.

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.

In August the Government signed a peace agreement with Bougainville militants. Movement within Bougainville and between Bougainville and the rest of the country is unrestricted. Persons displaced by the civil war are free to return to their homes.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation. A reservation to the Convention regarding the issuance of travel documents restricted the travel of some Irian Jayans residing in a refugee camp in the western part of the country; there are 340 persons from Irian Jaya living in a camp in Vanimo, near the Indonesian border. The Government cooperates with the U.N. High Commissioner for Refugees and has not forced any persons to return to countries where they feared persecution. During the year, the Government provided first asylum for several hundred persons who fled from the neighboring Indonesian province of Irian Jaya (also known as West Papua). Several hundred more live in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperates with the UNHCR in assisting the Irian Jayans who live in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The UNHCR began to reduce the scale of its operations in Western Province in 1999 and coordinates the voluntary return of refugees to their homes in Irian Jaya. The Government has a policy of limited integration for Irian Jayans with certain skills or other qualifications. These Irian Jayans are accorded limited residency status and are permitted to leave the refugee settlement. Those who violate conditions of their residency can be repatriated. There were no known forced repatriations of Irian Jayans to Indonesia. Several thousand persons live in tribes along the borders and move freely between the two countries.

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.

Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen may stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The last general election was held in June 1997. Of the 109 seats in Parliament, 55 seats changed hands. A coalition government, led by Prime Minister Bill Skate, was formed following the election. In July 1999, faced with the threat of a vote of no confidence, Prime Minister Skate resigned, and the Parliament subsequently elected Sir Mekere Morauta as Prime Minister.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but is time consuming and expensive both to initiate and to defend. Following the 1997 election, 88 such petitions were filed. The majority of complaints were made against winning candidates or their supporters. The court accepted 40 of the petitions for trial; however, at year's end, there had been no decisions.

Although there are no legal barriers to the participation of women in political life, the percentage of women in government and politics does not correspond to their percentage of the population. Two women were elected to the 109-member Parliament in the 1997 elections.

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

There are no official barriers to the formation of human rights groups. The Government cooperates with human rights nongovernmental organizations (NGO's) both domestic and international, but at times is slow in responding to their requests for information. The International and Community Rights Advocacy Forum, formed in 1993, concentrated on human rights and the environment during the year.

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

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often face discrimination.

Extreme geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, consistently has avoided favoring any group. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, injuries, and insults suffered by one clan at the hands of another; they are not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts deadlier.

Women.—Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. Domestic violence is common and is a crime. However, since most communities view domestic violence as a private matter, and few victims press charges, prosecutions are rare. Traditional village mores, which served as deterrents, are weakening and largely are absent when youths move from their village to a larger town or to the capital. Although rape is punishable by imprisonment, and sentences are imposed when assailants are found guilty, few assailants are apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution makes the crime difficult to combat.

Violence committed against women by other women frequently stems from domestic disputes. In areas where polygyny still is customary, an increasing number of women have been charged with the murder of another of their husband's wives. According to one report, 65 percent of women in prison are there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and civil service. However, traditional patterns of discrimination against women persist. Many women, even in urban areas, are considered second-class citizens. Village courts tend to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. The law requires that orders for imprisonment be endorsed by a district court before they take effect.

Polygyny and the custom of paying a bride price tend to reinforce the view that women are property. In addition to the purchase of women as brides, women also

sometimes are given as compensation to settle disputes between clans. The courts have ruled that such settlements are a denial of the women's constitutional rights.

According to statistics published in the U.N. Development Program's 1999 report on human development, women are gaining rapidly in literacy and education. Adult literacy has risen to 73 percent; 65 percent of women are literate, compared with 86 percent of men; however, there are 15 percent fewer girls in primary schools than boys. Maternal mortality levels remain relatively high at 930 deaths per 100,000 live births.

Prostitution is not legal; however, the laws are not enforced and the practice is widespread. Although sex tourism exists, it is not considered to be a problem.

Sexual harassment is not illegal, and it is a widespread problem.

There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs. It was active during the year; however, it had little effect on the Government's policy toward women.

Children.—The Government does not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children are operated by NGO's and religious organizations. Many government programs are underfunded. In the past, children were well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicate that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood. According to a report prepared by the Government and UNICEF, sexual abuse of children is believed to be prevalent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates are very high. More than 60 of every 1,000 children born do not survive their first year.

Primary education is not free, compulsory, or universal. Substantial fees are charged. Approximately 80 percent of children attend primary school; many do not progress further. Boys and girls are represented equally; generally all children in a family attend school or none attend.

The Government provides free medical care for its citizens, including children. However, facilities and resources are very limited, particularly in rural areas, and many children do not have effective medical care.

Persons with Disabilities.—Through the National Board for the Disabled, the Government provides funds to a number of NGO's that provide services to persons with disabilities. The Government does not provide programs or services directly. Services and health care for persons with disabilities, except for those provided by the traditional clan and family system, do not exist in several of the country's provinces. There is no legislation mandating accessibility. Persons with disabilities face discrimination in education, training, and employment. Most persons with disabilities do not find training or work outside the family structure.

The Government provides free consultation and treatment for persons with mental disabilities; however, such services are rarely available outside major cities.

National/Racial/Ethnic Minorities.—Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement occasionally result in violent tribal conflict in the highland areas. The number of deaths in the last few years has risen due to the availability of modern weapons.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join labor unions, subject to registration by the Department of Industrial Relations. The Government does not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy are organized and are members of approximately 50 trade unions. Most of the unions representing private-sector workers are associated with the Trade Unions Congress. The Public Employees Association represents an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. Unions are independent of the Government and of political parties.

There were no government efforts to hinder either public or private sector unions from exercising their right to strike. The law prohibits retaliation against strikers; however, it is not enforced always. Employees of some government-owned enterprises went on strike on several occasions this year, primarily to protest against privatization policies. These strikes, such as the action against the PNG Banking Corporation, in August were brief and ineffective.

Unions may affiliate freely with international organizations, and they have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to engage in collective bargaining and to join industrial organizations. These rights are exercised freely. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. This law was criticized by the International Labor Organization (ILO). The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, it is selectively enforced. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment is rare, except in subsistence agriculture.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. It has no comprehensive policy on the problem; however, child labor other than in family subsistence agriculture or enterprises is rare.

Forced and bonded labor by children is prohibited and is not known to occur.

e. Acceptable Conditions of Work.—Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with labor and employer representatives. The minimum wage for newly hired urban workers is the same as the minimum wage for rural workers. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, is set at 75 percent of the adult minimum wage. The adult minimum wage of \$9.87 (22.96 kina) per week does not provide a decent standard of living for a worker and family who live solely on the cash economy. During the year, the Minimum Wage Board recommended a large increase in the minimum wage, but the Government blocked the increase, and no increase was implemented. Although the Department of Labor and Employment and the courts attempt to enforce the minimum wage law, enforcement is not effective due to a lack of resources. Minimum wage levels, allowances, rest periods, holiday leave, and overtime are regulated by law. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week; however, enforcement is lax.

Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis; however, due to a shortage of inspectors, inspections take place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varies by workplace. Unionized workers have some measure of protection in such situations.

Legal foreign workers are protected by law. There are very few illegal foreign workers, and they lack full legal protection.

f. Trafficking in Persons.—While the Constitution does not prohibit trafficking in persons, there is no evidence that persons were trafficked to, from, or within the country. However, in 2000 and during the year, the Government investigated allegations of corruption among officials dealing with passport issuance and immigration. These allegations centered on the organized circumvention of immigration controls; however, there were no results from the investigations. Nevertheless there is concern that the country may be used as a route for the trafficking of illegal immigrants to Australia.

PHILIPPINES

The Philippines is a democratic republic with an elected President, an elected bicameral legislature, and a functioning political party system. The President is Commander-in-Chief of the armed forces. On January 17, then-President Joseph Estrada's impeachment trial in the Senate was preempted after a majority of senators voted to block the introduction of certain items of evidence. Large, peaceful

demonstrations in the capital over the next 3 days ended on January 20, when Estrada resigned and Vice President Gloria Macapagal-Arroyo was sworn in as President. In April Estrada was taken into custody charged with among other things economic plunder; he remained in custody at year's end. In May midterm national elections were held for the national legislature, provincial governors, and local officials. Approximately 100 persons were killed in election-related violence. A large, well funded Communist insurgency operates in various regions of the country. A large, armed Muslim separatist group operates mainly in parts of the south. A number of armed clashes took place during the year; several involved human rights abuses by insurgent, separatist, and government forces. Peace negotiations between the Government and both groups resumed after Macapagal-Arroyo assumed the presidency. Talks with the Communist insurgents were suspended following the assassination of a congressman in June, and remained suspended at year's end. In August a new cease-fire agreement between the Government and the Muslim separatist group was signed; despite intermittent clashes, the agreement remained in effect at year's end. The judiciary is independent, but suffers from inefficiency and corruption.

The Department of National Defense (DND) directs the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government (DILG) has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also is involved in traditional law enforcement efforts, including the pursuit of kidnapers, whose actions are a chronic criminal problem. Some members of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses.

The Philippines has a market-based, mixed economy. The service sector accounts for approximately 45 percent of gross domestic product (GDP), the industrial sector 35 percent, and agriculture 20 percent. However, agriculture accounts for approximately 40 percent of total employment. Manufactured goods account for about 90 percent of annual export revenues, with electronics generating over 60 percent of overall export receipts. Weak global economic growth and reduced demand for electronics contributed to a decline of 15 percent in export revenues during the year. The main agricultural and resource-based exports include coconut oil, bananas, fresh and preserved seafood, and copper. Principal crops, most of which are consumed domestically, include corn, sugar, and rice. Overseas worker remittances, estimated at \$6 billion per year, and tourism are important sources of foreign exchange. The annual per capita GDP for the country of 78 million persons is approximately \$870, down from \$977 in 2000, reflecting the slowdown in economic growth, weak currency, and 2.36 percent population growth. Income distribution is highly skewed. According to the most recent Family Income and Expenditure Survey, the richest 30 percent of families earned 67 percent of national income, while the poorest 30 percent received approximately 8 percent. The incidence of poverty (measured as the ratio of those below the official poverty threshold to the total population) worsened during the year and approached 40 percent. The incidence of poverty is more severe in rural areas, with more than 54 percent of the rural population unable to meet basic needs. In urban centers, the incidence of poverty is approximately 25 percent.

The Government generally respected the human rights of citizens; however, there were serious problems in some areas. Members of the security services were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention; there were allegations by human rights groups that these problems worsened as the Government sought to intensify its campaign against the terrorist Abu Sayyaf Group (ASG). Other physical abuse of suspects and detainees and police corruption remain problems. The Government's Commission on Human Rights (CHR), established under the 1987 Constitution, again described the PNP as the worst abuser of human rights, although complaints against the police decreased significantly compared with 2000. Police leaders at times appeared to sanction extrajudicial killings and brutality as expedient means of fighting crime. The Government increased its efforts to stop military and police abuses; and abuses decreased somewhat. The PNP took steps to improve respect for human rights within police ranks, and strengthened internal disciplinary measures. Prison conditions are harsh. Although the Government made some efforts, it generally was ineffective in reforming law enforcement and legal institutions. Judges and prosecutors are poorly paid, overburdened, remain susceptible to corruption and the influence of the wealthy and powerful, and often failed to provide due process and equal justice. The courts were hindered by backlogs, limited resources, and a shortage of judges. Long delays in trials were common. The authorities failed to prosecute many persons who broke the law, and some persons committed abuses with impunity. The Government in some cases supported the forcible displacement of squatters from their illegal

urban dwellings to make way for industrial and real estate development projects, often leading to disputes and human rights complaints; however, the practice decreased notably beginning in February when the Government suspended demolitions in poor urban areas.

The estimated 7.4 million citizens living abroad remain effectively disenfranchised because the Government has not enacted a system of absentee voting, as required by the Constitution. Some local military and police forces harassed human rights activists. The CHR, whose primary mission is to investigate complaints of human rights violations, also provides human rights training to the police, the military, other government officials, and the general public. Approximately one-third of the country's 42,000 "barangays" (neighborhoods) have Human Rights Action Centers, which coordinate with CHR regional offices. However, staffing and funding remained inadequate, and monitoring and investigation of human rights complaints remained ineffective.

Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists. The law provides for worker rights, but implementation and enforcement are weak. Child labor continues to be a problem, although the Government has increased efforts to address it. There were some reports of forced and indentured labor in the informal sector, and the use of underage workers in domestic servitude continued. Child prostitution continued to be a problem. Trafficking in women and children was a serious problem.

The New People's Army (NPA), the armed wing of the main Communist insurgent faction, and the Moro Islamic Liberation Front (MILF), the largest Muslim separatist group, both committed serious human rights abuses, including killings, kidnappings, torture, and detentions. The NPA's use of children as armed combatants and noncombatants continued to increase. The Government repatriated most non-combatants displaced during 2000 as a result of fighting between the AFP and the MILF. The terrorist Abu Sayyaf Group (ASG), which operates in southwestern Mindanao, committed numerous kidnappings and killings, including summary beatings of hostages and local residents.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police and military forces committed a number of extrajudicial killings. The CHR investigated 40 complaints of extrajudicial killings through June, compared with 152 during all of 2000. The CHR includes killings by antigovernment insurgents in its investigations. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) documented 17 summary executions of civilians by government forces.

Approximately 100 persons were killed in violence related to the midterm national elections in May, including two sitting congressmen and a candidate for provincial governor. The NPA claimed responsibility for these and many other election-related killings (see Section 3).

In combating criminal organizations, police personnel sometimes resorted to summary execution of suspects, or "salvaging." Police spokesmen later claimed that these killings were an unavoidable result of the exchange of gunfire with suspects or of escape attempts. The CHR reported that members of the PNP were the perpetrators of 30 percent of the human rights violations involving deaths that it investigated through June.

In September murder charges were filed against several current and former police officers in connection with the November 2000 disappearance of a public relations agent and his driver. The agent allegedly possessed information damaging to then-President Estrada in connection with his impeachment by the House of Representatives. The bodies of the agent and driver were found in March. Two of the accused police officers fled the country in August and were still at large at year's end.

On October 8, the United Methodist Church reported that five fishermen, including two minors, were tortured and killed in Nueva Ecija province by AFP soldiers who believed them to be members of the NPA.

In December the Government filed multiple homicide charges against seven policemen in connection with the October killing in Rizal province of four farmers the policemen believed to be NPA members.

Unknown assailants killed a human rights activist in December in Antipolo city. Police claimed the victim was a ranking member of the NPA, a charge denied by his wife. The AFP reported that the activist was killed in an encounter between the military and the NPA.

Several officials of the Bayan Muna political party were murdered during the year. In most instances, the AFP was accused, but it denied involvement and asserted that the murders were more likely part of the ongoing struggle for dominance among the country's Communist groups.

In April President Macapagal-Arroyo disbanded the PNP's Presidential Antiorganized Crime Task Force (PAOCTF), which allegedly had been involved in a number of crimes in previous years, including murder, kidnaping and illegal wire-tapping. In September the Department of Justice petitioned the Supreme Court to allow it to refile multiple murder charges against former PNP Director General and PAOCTF head Panfilo Lacson and other police officers in connection with the 1995 Kuratong-Baleleng massacre. A 1995 Senate inquiry had concluded that the murders were carried out "in cold blood" by policemen closely linked to Lacson. The case was dismissed in 1999 after witnesses recanted their testimony, reportedly because of police intimidation. New witnesses came forward after Lacson was removed as head of the PNP in January.

At year's end, the Supreme Court had not ruled on the DOJ petition.

To curtail police and military abuses, the Government, working with the International Committee of the Red Cross (ICRC) and other international organizations, continued to expand human rights training programs during the year. The AFP requires human rights and humanitarian law training for all officers and enlisted personnel, including former Moro National Liberation Front combatants and for the more than 30,000 members of the Citizens Armed Forces Geographical Units (CAFGU's). The CAFGU's were implicated in many human rights abuses during previous administrations, and in a decision that was criticized by human rights NGO's, the Government in July revitalized the CAFGU program in Mindanao. The CHR also reviews and certifies the human rights records of AFP members being considered for promotion.

In October a CHR official warned Davao City officials about the alarming upsurge in summary executions of suspected drug pushers, mostly teenagers, by vigilante groups. There were reports that over 150 persons had been killed by the so-called "Davao Death Squad" since 1995, and recently the rate of killings has been increasing. In October alone, there were reports of at least 17 killings. Human rights NGO's criticized the city mayor for reading the names of alleged drug dealers on the radio; some of those named later were among those killed. The death squad reportedly is composed mostly of former NPA rebels and some former policemen. The killers reportedly earn from \$60 to \$300 (3,000 to 15,000 pesos) per victim.

A number of journalists were killed by unknown assailants throughout the year (see Section 2.a.). On January 3, a broadcaster in Aklan Province whose commentaries had focused on alleged criminal activities of local government and police officials, was shot and killed by unknown assailants. No arrest was made by year's end. On February 24, a Muslim broadcaster in Pagadian City was shot and killed by unknown assailants. No arrest was made by year's end. On May 30, a broadcaster was shot and killed by unknown assailants in Zamboanga City. His commentaries had angered local politicians and the terrorist Abu Sayyaf Group, whose leaders reportedly sent the victim death threats. Police identified a suspect but no arrest was made by year's end.

There were many unlawful killings of political figures, judges, military and police officers, and civilians by Communist insurgents, mainly the NPA. Also targeted for assassination were Government informers and former rebels who wished to leave the NPA. In October a Government spokesman said that the NPA had summarily executed at least 107 civilian noncombatants through September. A newly elected member of Congress representing Bayan Muna, a political party with close links to the Communist Party, defended NPA summary executions as legitimate "revolutionary justice." Charges were filed late in the year against NPA members for the murders of two sitting congressmen in May and June.

In January a mother and her infant daughter were killed by a fragmentation hand grenade during an NPA raid on a village in Northern Samar province.

In February a Communist labor leader who years previously had broken away from the Party was shot and killed on the campus of the University of the Philippines in Quezon City. No arrests had been made by year's end. Suspicion centers on internal issues within the victim's own organization or with other Communist rebel groups.

In May in Iloilo Province, armed members of a Communist group that had split with the Party shot and killed two NPA members as they slept. The attackers belonged to a faction that had signed a peace accord with the Government in 2000.

In July in Quezon Province, a civilian noncombatant was killed and his two daughters were injured during a PNP raid on the victim's house. Some 20 heavily

armed NPA insurgents had earlier forced their way into the house to use it as temporary quarters.

In October and November, NPA “revolutionary courts” sentenced to death three persons in North Cotabato province, who were then executed. Police believe that the three victims were themselves NPA members.

In March residents of a town in Misamis Oriental province led AFP soldiers to the site of 8 mass graves with the remains of at least 75 persons, including children. The residents said the dead were victims of an internal NPA purge from 1984 to 1986.

No NPA killings from 2000 or earlier years were resolved during the year. As in the case of many extrajudicial killings, killings attributed to the NPA often remain unsolved, or are dismissed for lack of evidence.

On January 4, in Manila police arrested 16 Muslims and 1 Christian suspected of participating in 5 separate bombings on December 30, 2000. The explosions killed 20 civilians and two police officers. All but one of the suspects were released by the Macapagal-Arroyo Government; the other was charged with multiple murders. The Justice Secretary said there was no evidence to support holding those released. In September the National Bureau of Investigation (NBI) issued arrest warrants for eight additional suspects in the bombings (see Section 1.d.).

On August 28, in Lanao del Sur Province, an Irish priest who had been active in peace advocacy in Muslim areas for 20 years was shot and killed during a kidnap-for-ransom attempt. Muslim political and religious leaders strongly condemned the killing. The police, who had discounted a political or religious motivation, later named the son of a former commander of the MNLF as one of six suspects in the murder, and stated that the suspects were being protected by members of the separatist MILF.

In November supporters of Nur Misuari, the deposed leader of the MNLF, attacked AFP outposts in Sulu in an attempt to disrupt the scheduled election for a new governor of the Autonomous Region in Muslim Mindanao (see Section 3 and 5). Dozens of rebels and several soldiers were killed in the ensuing violence. Misuari’s supporters took townspeople, including children, as hostages. The Government later permitted the rebels to escape, as part of a hostage release arrangement, but not until more civilians, including children, had been killed. Misuari fled to Malaysia in late November, where he was being held for illegal entry and pending deportation at year’s end.

The terrorist Abu Sayyaf Group kidnaped and tortured many civilians during the year, and summarily beheaded many of its captives (see Section 1.b.).

b. Disappearance.—Government forces were responsible for disappearances. The CHR investigated one disappearance during the year, compared with seven in 2000; the TFDP reported seven disappearances during the year. The domestic NGO, Families of Victims of Involuntary Disappearance (FIND), reported the disappearance of six suspected members of Communist insurgent groups and one political coordinator for the Bayan Muna party, which is closely linked to the Communist Party. FIND suspected the AFP in all but one of these cases; the PNP was suspected in the other case. Three of the seven were found alive, but four remained missing at year’s end. FIND reported that 1,015 cases of disappearance remained unsolved; more than 55 percent of these date back to the Marcos period that ended in 1986. The Moro Human Rights Center documented four cases of involuntary disappearances involving Muslims in Basilan in June and July. In one case the AFP admitted having held the missing person but claimed to have released him. One of the alleged victims was 12 years old.

The courts and the police have failed to address complaints of victims’ families concerning numerous past disappearances. FIND and Amnesty International’s Manila office continued to support the efforts of the victims’ families to press charges, but in most cases evidence and documentation are unavailable. Court inaction on these cases contributes to a climate of impunity that undermines public confidence in the justice system.

In November 2000, a public relations agent and his driver disappeared. The agent allegedly possessed information damaging to former President Estrada in connection with his impeachment. The bodies of the agent and driver were found in March (see Section 1.a.).

The NPA was responsible for kidnappings and hostage takings. An AFP soldier and three civilians alleged to be AFP agents were taken hostage in September in Sultan Kudarat province and continued to be held at year’s end. The National Democratic Front (the political arm of the Communist Party) has attempted to use these hostages as a bargaining tool in negotiations with the Government, and the NPA reportedly has told the Government that communications regarding the hostages should be with the Communist Party’s self-exiled leadership in the Netherlands.

A PNP inspector kidnaped by the NPA in October 1999 was killed in a rescue attempt in March. An AFP officer kidnaped by the NPA in July 1999 was released in April.

The Abu Sayyaf Group again engaged in many acts of terrorism during the year. The ASG, which from time to time claims that its motivations are political or religious in order to attract sympathy for its actions, and which in the past has had links to the al-Qaida terrorist organization, appeared during the year to use terror mainly for profit. Its victims include Christians and Muslims; a Muslim captive was beheaded in October. A foreign person kidnaped by the ASG in August 2000 escaped in April. In May the ASG kidnaped 20 more persons from a resort in Palawan province; additional persons were seized in Basilan province from June through October. At year's end, the ASG still held three hostages, including two foreign nationals, and continued to engage in acts of terror.

The ASG's many kidnappings, and its proclivity for beheading many of its victims to induce the payment of ransom, led to an intense government crackdown beginning in July, when the President cited the existence of a "state of lawlessness" in Basilan. The crackdown led to the capture of many ASG members, who were charged with murder, kidnaping, and other violent crimes, and ordered held without bail.

Many human rights NGO's accused the Government of abuses committed by the military and police in their pursuit of the terrorists. In September a fact-finding mission deputized by the Deputy Speaker of the House of Representatives reported seven incidents in Basilan between July and September that resulted in the extrajudicial killing of 10 suspected ASG members by AFP personnel and armed Civilian Armed Forces Geographic Units. In addition, the fact-finding mission documented incidents of torture, arbitrary arrest and detention, and destruction of civilian homes. A separate report by a CHR Commissioner further confirmed some of these allegations, and, based on the report, criminal charges were filed against some AFP members. The CHR also issued an advisory noting reports of indiscriminate arrests and detentions in Basilan.

A new criminal-terrorist group in Mindanao, called the "Pentagon Gang" and thought to include former Muslim separatists, reportedly kidnaped an Italian priest in Zamboanga del Sur in October. The group continued to hold the priest hostage at year's end, demanding payment of ransom. There were reports that MILF leaders may also have been involved in the priest's kidnaping or continued captivity. The Pentagon Gang, which reportedly also has kidnaped local civilians, has made no pretense of having a political or religious agenda.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible in court; however, members of the security forces and police continued to use torture and otherwise abuse suspects and detainees. The CHR provides the police with mandatory human rights training, including primers on the rights of suspects. However, police awareness of the rights of those in custody remains inadequate, although awareness continued to increase somewhat during the year. Common forms of abuse during arrest and interrogation included striking detainees with clubs and threatening them with guns. During the year, the police reportedly intensified efforts to dismiss abusive officers and investigate police units nationwide.

In February 136 National Police Academy cadets dismissed in July 2000 for complicity in a fatal hazing incident were reinstated upon the order of the Court of Appeals, which cited a lack of due process in the decision of the former Secretary of Interior and Local Government. The Government, while calling the Court's decision a setback in the effort to eliminate hazing, chose not to challenge the ruling. In March nine PNP Special Action Force instructors were dismissed and charged with the crime of beating and hazing trainees. The PNP reported investigating 421 human rights complaints against its personnel during the year, leading to the dismissal of 27 officers and the suspension or demotion of 32 others. Many of these officers also were charged with criminal offenses.

On January 4, police arrested 17 suspects in connection with bombings in metropolitan Manila on December 30, 2000. The explosions killed 20 civilians and two police officers. According to a CHR report, those arrested (including a 13-year-old child) were subjected to beatings intended to elicit confessions. All but one of the suspects, who was charged with multiple murder, were released by the Government; the Justice Secretary said there was no evidence to support holding the others (see Section 1.d.).

In June charges against an AFP officer and two soldiers were filed with the CHR in connection with the torture of two civilians, one of them 16 years old, in Negros Occidental province. The complainants claimed that they were kicked and dragged

until they admitted being members of the New People's Army (NPA), which they later denied.

In August the PNP filed murder charges against AFP officers in the death of a policeman. The autopsy reportedly showed that the victim had been tortured.

In October the United Methodist Church reported that five fishermen, including two minors, were tortured and killed in Nueva Ecija province by AFP soldiers who mistakenly believed them to be members of the NPA.

In November charges were filed against two policemen for beating a woman in the course of a robbery investigation in Malabon City. The woman was released without charge.

The terrorist ASG kidnaped and tortured many civilians during the year, and summarily beheaded a number of its captives (see Section 1.b.).

Prison conditions are harsh. Provincial jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. The Government reported that jails in the metropolitan Manila area were operating at 250 percent of capacity, and that 85 percent of the inmates were detainees unable to post bail. Administrators budget a daily subsistence allowance of about \$0.60 (30 pesos). Prison inmates often depend on their families for food because of the insufficient subsistence allowance. In national prisons, male and female inmates are held in separate facilities, overseen by guards of the same sex. In provincial and municipal prisons, male guards may oversee female prisoners, directly or indirectly. In Bureau of Immigration and Deportation (BID) detention facilities, male and female inmates are segregated by sex, but male guards oversee both sexes. Children in some instances are held in facilities not fully segregated from adult male inmates. There were reports that guards abused prisoners. In March Amnesty International reported that women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Victims often were afraid to report incidents (see Section 5). There were reports that detainees at the BID detention center were released after making cash payments to guards.

Official corruption is a serious problem in the prison system. Jail administrators reportedly delegate authority to maintain order to senior inmates. The CHR reported that beatings by prison guards and other inmates were common, but prisoners, fearing retaliation, refused to lodge complaints. Some prominent prisoners and jailed celebrities receive preferential treatment. Favored inmates reportedly enjoy access to outside contacts, enabling them to trade in prostitution and drugs.

According to penal authorities, nearly 24,000 persons were incarcerated in 7 national prisons and penal farms at year's end, including 108 minors imprisoned on specific orders from the sentencing judge. Another 39,000 persons were incarcerated in more than 1,250 district, city and municipal jails, including more than 2,000 minors; nearly 92 percent of these persons had not yet been convicted of a crime. Statistics were not available for the 78 provincial and 29 subprovincial jails under the control of local government units nationwide. The Department of Social Welfare and Development (DSWD) operates 10 Regional Rehabilitation Centers for Youth Offenders. Nearly 1,300 youths, more than 98 percent of them males, were assisted in these centers during the year.

In 2000 the CHR conducted a nationwide investigation of prison facilities. Its advisory opinion cited inhuman conditions in jails and prisons in many parts of the country. The CHR stated that the Manila city jail was unfit for human habitation, housing 3,400 inmates in facilities designed to hold 1,000 inmates. Such conditions, according to the CHR, contributed to violence among inmates. It also stated that 27 inmates at the Manila jail should have been confined at a psychiatric facility and that convicted prisoners are commingled with inmates awaiting trial.

International monitoring groups and the ICRC are allowed free access to jails and prisons. There were reports that detainees at some facilities were required to pay guards in order to receive medical attention.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in a number of cases arrested and detained citizens arbitrarily. The CHR investigated 52 cases of illegal arrest and detention through June, compared with 132 for all of 2000. The TFDP documented 174 politically motivated arrests by the Government, the majority of which were carried out with warrants. The Government denies that there are any political detentions or detainees (see Section 1.e.).

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime

for which the arrest was made. Due to the slow judicial process, the court system is unable to ensure expeditious trials for detained persons (see Section 1.e.).

In the aftermath of the May 1 uprising against the Government and President Macapagal-Arroyo's declaration of a state of rebellion, police made at least 100 warrantless arrests; human rights NGO's accused the Government of arbitrarily rounding up young men in poor urban areas of the capital. The Government also filed rebellion charges against key opposition leaders for inciting the uprising. These included Senator Juan Ponce Enrile and former Senator Ernesto Maceda, both of whom were permitted to post bail. At year's end, the Government did not appear to be actively pursuing the cases against Enrile and Maceda.

In July the CHR issued an advisory noting reports of indiscriminate arrests and detentions in connection with the Government's crackdown on the terrorist ASG (see Sections 1.b. and 4).

Of the 26 Muslim suspects arrested in connection with fatal bombings in May 2000 in Metro Manila, 24 were released on their own recognizance in February; the other 2 suspects were released on bail. Their cases remained open at year's end.

On January 4, police arrested 16 Muslims and 1 Christian in connection with 5 separate bombings on December 30, 2000. The explosions killed 20 civilians and two police officers (see Section 1.a. and 5). According to a CHR report, those arrested (including a 13-year-old child) were subjected to beatings intended to elicit confessions. It was later discovered that many of those arrested were not listed in the arrest warrant. All but one of the suspects, who was charged with multiple murder, were released by the Government; the Justice Secretary said there was no evidence to support holding the others. The Government also dropped charges filed by the Estrada administration against the top leaders of the MILF in connection with the same bombings. In September the National Bureau of Investigation issued arrest warrants for 8 additional suspects in the bombings.

The NPA and MILF were responsible for a significant number of arbitrary arrests and detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and other persons for "crimes against the people" (see Section 1.e.).

Forced exile is illegal and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial system suffers from corruption and inefficiency. Personal ties undermine the commitment of some government employees to ensuring due process and equal justice, resulting in impunity for wealthy and influential offenders.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respect the right of defendants to be represented by a lawyer, although poverty often inhibits a defendant's access to effective legal representation. The Public Attorney's Office (PAO) is staffed by highly skilled and motivated defense lawyers, but the workload is great and resources are scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused. During the year, the PAO handled more than 1.1 million judicial cases and an additional 3.7 million mediation cases.

Legal experts inside and outside the justice system criticize personal and professional relationships between some judges and individual or corporate litigants. Some lawyers act as "case fixers," gaining the favor of judges and other court officials and allegedly bribing some witnesses. It is illegal to settle a criminal case out of court, but the practice of reaching an "amicable settlement" in which the prosecution drops charges is routine. Such settlements may result in impunity for wealthy or influential defendants.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the court of appeals; and 3 months for lower courts. There are no time limits for trials. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, trials may last many months.

The pace of the judicial process is slow. The court system is unable to ensure expeditious trials for detained persons. There is a widely recognized need for more prosecutors, judges, and courtrooms. Of the more than 2,100 trial court judgeships nationwide, 34 percent remained vacant at year's end due to a lack of qualified applicants. Vacancies in Mindanao and other poorer provinces particularly are unattractive to many jurists. The situation was most critical in western Mindanao, where only 17 of the 54 judgeships were filled, and in the Shari'a courts, where only 18 of the 56 district or circuit courts had judges. Judges' salaries often are considered low in comparison with salaries in other occupations, and low pay renders both judges and prosecutors susceptible to corruption.

Officials in the Labor and Social Welfare Departments claim that prosecutors often fail to follow up on cases involving child labor violations (see Section 6.d.).

In July the Secretary of Justice ordered an investigation of the use of fraudulent court documents to gain the release of several inmates from the main national prison.

International and domestic NGO's, citing persistent deficiencies in the judicial system, have consistently criticized many court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times defendants in death penalty cases lacked adequate legal representation at the time of arrest, indictment, or at trial. By law the Supreme Court reviews all death sentences. In April senior government officials announced a moratorium on the use of the death penalty; however, in October the President said it was her duty to uphold the law in cases affirmed by the Supreme Court.

Indemnification claims for alleged human rights abuses during the Ferdinand Marcos era, which ended in 1986, remain unresolved.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year.

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people" and to execute some of them.

Various human rights NGO's maintain lists of incarcerated persons they allege to be political prisoners; numbers usually range from 75 to over 250. Typically there is no distinction in these lists between detainees and prisoners, and the majority of persons on these lists have not been convicted. Some face murder, kidnaping, and other serious charges, but many are charged with possession of drugs or firearms, which some NGO's assert is a sign of planting of evidence by the police. The Government denies that there are political detainees or prisoners, and maintains that all incarcerated persons have been convicted of or charged with common crimes. There are differences of opinion even within the CHR; some members of the commission believe that certain persons are incarcerated for political reasons, but other members believe that the same persons are guilty of common crimes. The Government in fact uses the NGO lists in the conduct of its pardon, parole, and amnesty programs.

In January the self-exiled leader of the Communist Party demanded that the Government free all political prisoners, and in return offered to begin negotiations for the release of an AFP officer and a PNP inspector kidnaped by the NPA in July and October 1999, respectively (see Section 1.b.). During the year, the President approved the pardon, parole, or release on bail of more than 75 persons, many of whose names were included on the various NGO lists. Included were the 26 Muslims arrested in connection with the fatal bombings in May 2000 (see Section 1.d.).

In September a regional trial court in Quezon City ordered the release of an NPA commander to the custody of his lawyer. The accused had been detained since November 1999 in connection with the kidnaping of two AFP officers, including a general, that year. He also has been linked to the massacre of 50 civilians in Davao del Sur in the late 1980's.

The Government permits access to alleged political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while restrictions on search and seizure within private homes generally are respected, searches without warrants do occur. Judges declared evidence obtained illegally to be inadmissible.

In August the Ombudsman ordered an investigation into allegations that Estradara police chief Panfilo Lacson (who was elected to the Senate in May) and other police officials conducted illegal wiretaps of House prosecutors and Senators during the impeachment trial of then-President Estrada. In September the PNP filed

charges against Lacson and several other police officers, and the Senate held hearings into that and other allegations against Lacson.

The forcible displacement of urban squatters to make room for infrastructure and commercial developments continued during the year. However, beginning in February the practice declined notably when the Government suspended demolitions in poor urban areas. There were fewer incidents of forcible displacement, and in most cases, the Government provided relocation sites as required by law. However, the NGO Ecumenical Commission for Displaced Families and Communities (ECDFC) reported that in March, 100 squatter families were displaced in a demolition of housing on government property in Quezon City. Squatters make up at least 30 percent of the country's urban population. The law provides certain protections for squatters; eviction is often difficult, especially because politicians recognize squatters' voting power.

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes as of November because of lack of housing or because of security concerns (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—There were some clashes during the year between the AFP and the main remaining Muslim separatist group, the MILF. However, there were fewer attacks than in 2000. In August a cease-fire agreement was signed, and, despite intermittent clashes, the agreement was still in effect at year's end. Direct talks were stalled, but both sides reportedly were working to resume negotiations. The MILF reportedly recruits children to serve as reserve forces (see Section 5).

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes by November because of lack of housing or because of security concerns. The Department of Social Welfare and Development (DSWD) reported that all but 3 of its nearly 500 evacuation centers that were established in connection with the clashes that took place during 2000 were closed by year's end. DSWD also reported that more than 3,100 housing units out of 12,000 planned housing units had been constructed in war-torn areas of Mindanao during 2000 and 2001 (see Section 2.d.).

During the year, the Communist NPA killed political figures, judges, military and police personnel, and civilians, including former rebels who wanted to leave the NPA. In June the assassination of a sitting congressman led the Government to call off peace talks with the National Democratic Front, the political arm of the Communist Party. The NPA also mounted armed attacks on businesses and burned buses and cellular telephone sites to enforce the collection of "revolutionary taxes." The NPA continued to actively recruit minors both as combatants and noncombatants (see Section 5).

The terrorist Abu Sayyaf Group kidnaped and tortured many civilians during the year, and beheaded a number of its captives. To combat the ASG the Government, among other measures, revitalized the CAFGU's program. The CAFGU's had been guilty of many human rights abuses in the past. In July the CHR issued an advisory noting reports of indiscriminate arrest and detentions in connection with the Government's crackdown on the ASG (see Sections 1.a. and 1.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

There continued to be a number of violent incidents directed at journalists throughout the year: On January 3, a broadcaster who had focused on alleged criminal activities by local civil and police officials was killed in Aklan province, no arrests were made in the case by year's end. On February 2, two hand grenades exploded at the office of the director of the National Press Club; police had no suspects. On February 24, a Muslim broadcaster in Pagadian city was shot and killed by unknown assailants. On May 30, a broadcaster was shot and killed in Zamboanga City. Police reportedly had identified a suspect but no arrest had been made by year's end. On June 1, the home of a photojournalist in Tarlac City was strafed with gunfire. On June 6, a radio station in Bacolod was bombed, injuring two persons. There were no suspects or arrests in the two June incidents.

There have been no developments in the 2000 killing of a radio journalist in Pagadian, Zamboanga del Sur; the two bomb explosions in February 2000 outside a Catholic-run radio station in Cotabato City; or December 2000 bomb explosion in the home of a radio broadcaster in General Santos City.

The National Press Club, the Center for Media Freedom and Responsibility, and the Philippine Press Institute are all active in investigating cases of violence and harassment against journalists.

In May the Supreme Court ruled unconstitutional a legislated ban on the publication of election surveys during the 15 days prior to an election. Also in May, President Macapagal-Arroyo signed a law lifting a ban on political advertising.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respects them in practice.

On May 1, a violent crowd stormed the Presidential Palace. President Macapagal-Arroyo declared a State of Rebellion, and the Government arrested more than 100 persons, some without warrant. Among those arrested was an incumbent Senator. On May 2, the CHR issued an advisory upholding the President's authority to determine the existence of a state of rebellion. The State of Rebellion declaration was lifted on May 6. On May 9, the Supreme Court dismissed constitutional challenges to the declaration and to the legality of the warrantless arrests.

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

Muslims, who are concentrated in the most impoverished parts of western Mindanao, claim economic discrimination, reflected in the Government's failure to provide sufficient funding to stimulate southwestern Mindanao's sluggish economic development. In the latter part of the year, the Government increased its efforts to stimulate economic development in the south. The Government solicited foreign aid specifically targeted at the Autonomous Region of Muslim Mindanao and other areas of Muslim concentration, in part as a means of addressing the terrorist threat. Leaders in both Christian and Muslim communities contend that economic disparities and ethnic tensions, more than religious differences, are at the root of the modern separatist movement that emerged in the early 1970's.

Intermittent government efforts to integrate Muslims into political and economic society have achieved only limited success to date. Many Muslims claim that they continue to be underrepresented in senior civilian and military positions, and have cited the lack of proportional Muslim representation in the national government institutions (see Section 3). During the year, there was an increase in Muslim political representation, with 1 Muslim heading a Cabinet department, 2 serving as Cabinet-level presidential advisers, and 9, an increase of 2 members over the previous Congress, serving in the 214-member House of Representatives.

The Code of Muslim Personal Laws recognizes the Shari'a civil law system as part of national law; however, it does not apply in criminal matters, and it applies only to Muslims. Some Muslim religious leaders (ulama) argue that the Government should allow Islamic courts to extend their jurisdiction to criminal law cases. Some ulama also support the MILF's goal of forming an autonomous region governed in accordance with Islamic law.

In June 2000, following persistent reports that troops operating against Muslim separatists in Mindanao had desecrated mosques, the Secretary of National Defense ordered the AFP to refrain from such action. The Department of National Defense issued code-of-conduct instructions that included provisions that military offensives could not be begun during Muslim prayer hours "unless absolutely required." In July President Macapagal-Arroyo issued strict instructions to the military that mosques were not to become targets and no mosques were to be entered in pursuit of suspects.

In October the Philippine Military Academy announced plans to erect a mosque on campus to allow Muslim cadets (10 out of a total student body of 700) a place to worship and to enhance cultural awareness of Islam for all cadets. The Government also declared the last day of Ramadan (Eid al-Fitr) a national holiday. In November the Department of Education, Culture, and Sports directed that schools ensure that the religious rights of students be protected, and specifically that Muslim students be allowed to wear their headdress ("hijab") and that Muslim girls not be required to wear shorts during physical education classes.

The ASG, which from time to time makes claims to a political or religious motivation, continued to engage in terrorism for profit. Its victims included both Christians and Muslims. A Muslim captive was beheaded in October (see Sections 1.a. and 1.b.).

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. Citizens enjoy the freedom to change their places of residence and employment. Travel abroad is limited only in rare circumstances, such as when a citizen's court case is pending. Government authorities discourage

travel by workers deemed vulnerable, such as young women, to areas in which they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to those persons whom the POEA certifies as qualified for the jobs. An estimated 7.4 million citizens work overseas and remit money home. Such remittances amount to nearly 10 percent of the gross national product.

Beginning in February, the practice of forcible displacement of urban squatters to make room for infrastructure and commercial developments declined notably when the Macapagal-Arroyo Government suspended demolitions in poor urban areas (see Section 1.g.).

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes as of November because of lack of housing or because of security concerns. The ECDFC estimated that approximately 94,000 persons were displaced during the year due to fighting with Islamic separatist groups or the terrorist ASG, and that a substantial minority remained displaced as of November. The Government still operates approximately 75 evacuation or displaced persons centers in predominantly Muslim areas of Mindanao set up in connection with clashes during the year (see Section 1.g.).

There is no comprehensive legislation that provides for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice implement many of the basic provisions of the 1951 U.N. Convention.

The Government provides first asylum.

The Government continued to allow approximately 1,800 asylum seekers from Vietnam to remain in the country. All had been precluded from refugee status. Most live on Palawan Island or in major urban areas. There is significant popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers, but has not ruled out forcible repatriation.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections that largely are free and fair and held on the basis of universal suffrage. However, Congress has yet to enact a system for absentee voting, which is required by the Constitution, affecting an estimated 7.4 million eligible voters, or about 10 percent of the electorate, most of whom are expatriates.

In May midterm elections were held for new senators, representatives, provincial governors, and local government officials. Approximately 100 persons were killed in election-related violence, including two sitting congressmen and a candidate for provincial governor (the NPA claimed responsibility for these and many other election-related killings), and another 140 persons were wounded in more than 200 incidents in the period preceding and following the mid-May voting. The Communist NPA sharply raised its "access fee" to candidates who attempted to campaign in remote areas.

In August a plebiscite was held on the question of expanding the Autonomous Region in Muslim Mindanao (ARMM). One new province, Basilan, and one new city, Marawi, voted to join Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi provinces in the ARMM. In November ARMM voters chose a new regional governor in an election marred by violence allegedly instigated by the outgoing governor, Nur Misuari (see Section 5). The Government filed rebellion charges against Misuari, who fled to Malaysia where he was placed under arrest pending extradition.

The Senate impeachment trial of President Estrada on charges of bribery, graft and corruption, betrayal of public trust, and culpable violation of the Constitution, was preempted on January 17 after a majority of senators voted to block the introduction of certain items of evidence. Large, peaceful demonstrations in the capital over the next 3 days ended on January 20, when Estrada resigned and Vice President Gloria Macapagal-Arroyo was sworn in as President. After the national elections on May 14, the political coalition of President Macapagal-Arroyo held a wide majority in the House of Representatives and a working majority in the Senate.

There are no restrictions in law or practice on participation by women and members of minorities in politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. The President is a woman. At year's end, there were 5 female cabinet-level officials. There are 3 women in the 24-member Senate and 37 women in the 214-member House of Representatives. There are 3 women on the 15-member Supreme Court.

Along with many other citizens, Muslims argue that the method of election of senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment; many Muslims and members of other disadvantaged groups who are underrepresented in the national legislature favor such an amendment. There is one Muslim cabinet member, and two Muslim senior presidential advisers. There are no Muslim senators. The House of Representatives has nine Muslim Members, including some elected from Christian majority districts.

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

A large, diverse, and extremely active group of human rights NGO's generally operate without government interference, investigating and publishing their findings on human rights cases. Many government officials, including those of the CHR, are responsive to NGO views. Many domestic NGO's were critical of the Estrada administration's human rights record; these NGO's also criticized previous presidents' human rights records. While acknowledging that respect for human rights has improved under current President Macapagal-Arroyo, many NGO's criticized the Government for allegedly overzealous efforts to defeat the terrorist ASG. These groups cited indiscriminate arrests, torture of suspects, and the arming of civilians to reinforce the security forces. They also accused the Government of disregarding evidence they believed pointed to collusion between the AFP and the ASG. President Macapagal-Arroyo denied any wrongdoing by the AFP. Late in the year, the Senate held hearings on the collusion allegations; at year's end, it had not reported its findings.

Member organizations of the Philippine Alliance of Human Rights Advocates, a leading NGO network, effectively monitor human rights problems and seek redress through their contacts with government agencies, the Congress, and the Government's Commission on Human Rights. Human rights activists continued to encounter minor harassment, mainly from police or military units or detachments based in the locality in which incidents took place.

CHR monitoring and investigation of human rights complaints remained ineffective. Approximately one-third of the country's 42,000 barangays (neighborhoods) have Human Rights Action Centers, which coordinate with CHR regional offices. However, staffing and funding for the CHR's regional and subregional offices remained inadequate and CHR monitoring and investigation of human rights complaints remained ineffective.

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

The Constitution prohibits discrimination against women, children, and members of minorities; however, implementation of constitutional protections is hindered by the lack of specific regulations and by budgetary constraints.

Women.—Violence against women, particularly domestic violence, remains a serious societal problem. The law does not specifically address the problem of domestic violence; complaints of domestic violence are filed under the charge of "physical injury." Statistics are not disaggregated to indicate the number of physical injury cases that result from domestic violence. The Department of Social Welfare and Development assisted an average of seven women per day who complained of domestic abuse, not including rape. Public attention on domestic violence increased in December, with the suicide of a famous actress whose husband, a former governor and congressman, reportedly had abused her for years.

Women's advocates cite double standards of morality and a traditional societal reluctance to discuss private family affairs as some of the reasons for domestic violence. The absence of divorce under the law and limited job opportunities combine to limit the ability of both poor and wealthy women to escape destructive relationships.

The PNP and the DSWD both maintain women's help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGO's, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Many PNP stations included female officers.

The law provides for the death penalty in cases of rape; nonetheless, rape continued to be a major problem. Spousal rape and abuse also are illegal, but enforcement is ineffective. The PNP reported that it investigated more than 2,600 cases of rape during the year; most of the alleged perpetrators were arrested. Some women's groups stated that courts' imposition of death sentences for rape convictions may inhibit some victims, particularly relatives of the accused, from pressing charges. Of nearly 1,900 prisoners sentenced to death, 52 percent were convicted of rape. There has been only one conviction for marital rape.

Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Although illegal, prostitution remains widespread. A 1998 International Labor Organization (ILO) study estimated that 500,000 women are engaged in prostitution within the country. Most prostitutes work independently or in small brothels rather than in prominent "entertainment clubs." Penalties for the offense are light, but detained prostitutes are subjected to administrative indignities. There were reports of sexual exploitation of children (see Sections 6.c. and 6.f.). The Antivagrancy Act often is used by police officers as a pretext to extort money from prostitutes; those unable to pay may be subjected to sexual abuse. In March Amnesty International reported that women in police custody were particularly vulnerable to sexual and physical assault by police and jail officials. Victims often were afraid to report such incidents (see Section 1.c.).

Local officials condone a climate of impunity for those who exploit prostitutes—both the entertainment club owners and their patrons. Highly publicized official campaigns to close clubs and brothels fail to rescue young women from the abuse because the offending establishments usually are operating again a few days after such raids. The penalties for exploiting women for prostitution are not considered sufficient to deter those who engage in such activities.

The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 6.f.). DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments. NGO's argue that the Government first should address the abuses of dislocation and homelessness in order to address effectively the problem of women's exposure to the structural violence inherent in prostitution.

Sex tourism is a serious problem, but few steps have been taken to end the practice. Hotel and travel industry leaders continued to refuse to honor their pledges to cooperate with a code endorsed by international tourism groups to stop sex tourism.

Trafficking in women and children for sexual exploitation and forced labor are problems (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace also continues to be a problem. It is thought to be widespread yet underreported due to victims' fear of losing their jobs. Harassment of nonprofessionals by managers is thought to be a common practice in many sectors. Female employees in special economic zones (SEZ's) are particularly at risk, as most are economic migrants who are required to work long hours and have no independent workers organization to assist with filing complaints. Women in the retail industry work on 3- to 5-month long contracts, and although many admit to rampant harassment, they do not report it for fear their contracts will not be renewed. Women hired as contractual employees without benefits in the pressing and sewing industry are subjected to long hours in inadequately ventilated facilities.

In law but not always in practice, women have most of the rights and protections accorded to men. Unemployment rates for women are consistently higher than for men. Women's salaries averaged about 47 percent lower than their male counterparts'. Women continued to face some discrimination in employment. More women than men enter secondary and tertiary education.

The National Commission on the Role of Filipino Women (NCRFW), composed of 10 government officials and 10 NGO leaders appointed by the President, acts as an oversight body whose goal is to press for effective implementation of programs benefiting women.

Church opposition to divorce is strong in this predominantly Roman Catholic nation. The law does not provide for divorce, although the courts generally recognize the legality of divorces obtained in other countries. Annulment is an option for those seeking a legal means for ending a marriage. However, the process is cumbersome and costly, which precludes annulment as an option for many women. Most lower income couples simply separate informally without severing their marital ties. The Family Code provides that in child custody cases resulting from divorce in another country, annulment, or illegitimacy, children under the age of seven are placed in the care of the mother unless there is a court order to the contrary. Children over

the age of seven normally also remain with the mother, although the father can dispute custody through the courts.

Children.—The Government, through several agencies, devotes considerable resources to the education, welfare, and development of children. For example, the Department of Education has by far the largest budget of any cabinet department. Nevertheless, children faced serious problems.

Primary education is free and compulsory. During the year, 96 percent of school-age children were enrolled in elementary school and 72 percent in secondary school. However, family poverty forces many children throughout the country to drop out of school; only about 65 percent of children complete sixth grade, and the overall graduation rate (students who start elementary school and graduate from secondary school) was 50 percent. Public primary and secondary schools are free of tuition charges; however, poor families are unable to meet costs for uniforms, school supplies, shoes, and transportation. During the year, the Government ended the practice of schools soliciting a “voluntary” contribution at the time of school registration, which resulted in a significant increase in school enrollment. The Asian Development Bank has expressed concern over a growing inequity in educational opportunities for the poor as public spending per pupil declines. In the 1980’s, public spending covered 80 percent of the cost of elementary education; however, according to government estimate, this share has declined to less than 60 percent.

In 2000 an NGO estimated that 30 to 40 percent of preschool children in the five-province Autonomous Region in Muslim Mindanao suffered from malnutrition. Most of the children were in villages in Maguindanao, Lanao del Sur, and Tawi-Tawi provinces, the scene of heavy insurgent combat. According to the latest UNICEF data, at the end of 1999, 28 percent of children under age five nationwide were moderately or severely underweight.

Widespread poverty forces many young children to work. According to UNICEF and ILO studies, some 2 million children were exposed to hazardous working environments, such as in quarries, mines, and at docksides in order to earn their living (see Section 6.d.). Sexual exploitation and trafficking in children for the purpose of sexual exploitation are problems. It is estimated that approximately 60,000 children are involved in the commercial sex industry (see Sections 6.c., 6.d., and 6.f.).

The Government estimates that there are as many as 200,000 street children nationwide, half of them in the greater Manila area. Welfare officials believe that the number is increasing as a result of widespread unemployment in rural areas. Many street children appear to be abandoned children engaged in scavenging or begging. In September an ILO-sponsored report stated that children as young as 5 years old were involved in the production and sale of illegal narcotics. In February police arrested a 9-year-old working as a drug courier.

Greater public awareness has eroded traditional reluctance to report abuses against children. DSWD offices served nearly 7,500 victims of child abuse during the year, 73 percent of whom were girls. Some 60 percent of the girls were victims of sexual abuse, while the majority of the boys had been abandoned or neglected. The problem of foreign pedophiles continued to be reported in the press, and the Government continued to prosecute accused pedophiles.

In May a Member of Congress who had been convicted and sentenced to two life terms in prison in 1997 for the 1996 rape of an 11-year-old girl, was reelected for the second time since his initial conviction. In November the Supreme Court reaffirmed the conviction. Congressional leaders said they would wait until the Court’s ruling became final before initiating expulsion procedures.

The family court system expedites juvenile and domestic relations cases and serves to strengthen safeguards against the sale and trafficking of children abroad. The Supreme Court promulgated rules designed to avoid trauma to child witnesses, which took effect in January. The rules permit nonlawyers to pose questions, allow the child to have companions of her own choosing present, provide for the exclusion of persons not having a direct interest in the case, and permit use of videotaped testimony and one-way mirrors.

The NPA continues to actively target youths for recruitment as combatants and noncombatants. Policy guidelines of the Communist Party/National Democratic Front state that minors may serve in noncombat positions. The NPA claims that members from 15 to 18 years of age are assigned to self-defense and noncombat duties and that in the event of “enemy aggression or encroachment” weapons would be distributed to the oldest children first. Early in the year, the military claimed that children age 12 to 16 made up 13 percent of the NPA’s fighting force. UNICEF believes that the rate of recruitment of child soldiers by the NPA has increased, despite denials by NPA political leaders in the Netherlands. In September a former NPA member, recruited at age 13 and carrying a weapon by the time she was 15, told reporters that the NPA had deceived her into believing that the Government

was “nothing but evil.” A 12-year-old former NPA member said that he cooperated with the NPA against his will because “I feared for my family, they said they would skin them alive.”

According to domestic and international NGO's, the MILF recruited children as young as 12 years of age to serve as reserve forces.

In November the Government adopted a Comprehensive Program Framework for Children in Armed Conflict, encompassing prevention, advocacy, rescue, and reintegration. The Government noted that children accounted for many of the casualties and captured elements during military-insurgent clashes, that many of the children recruited by the NPA and by the MILF came from indigenous communities, that some of the children were forcibly recruited or abducted, and that girl recruits were at risk for sexual exploitation.

Persons with Disabilities.—The law provides for equal physical access for persons with disabilities to all public buildings and establishments and for “the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society.” The law applies to both those with physical disabilities and persons with mental disabilities. The Department of Labor and Employment's (DOLE) Bureau of Local Employment (BLE) maintains registers of persons with disabilities indicating their skills and abilities. BLE monitors private and public places of employment for violations of labor standards regarding persons with disabilities, and also promotes establishment of cooperatives and self-employment projects for persons with disabilities.

However, advocates for the rights of persons with disabilities contend that the law has been ineffective because implementing regulations are weak, funding is inadequate, and government programs are palliative rather than focused on integration. Among other things they have called for more government jobs and more positions at public universities for persons with disabilities. Reportedly only about 2 percent of an estimated 3.5 million citizens with disabilities receive access to services.

Indigenous People.—Indigenous people live throughout the country but primarily in the mountainous areas of northern and central Luzon and Mindanao. They account for about 16 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevent their full integration into society. Indigenous children suffer from lack of basic services, health, and education. Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffer disproportionately from counterinsurgency operations. Members of the Aeta tribe asserted that government soldiers had converted their school in to a military camp, among other abuses. In July the Governor of Pampanga province called on the military to investigate.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People (NCIP), which is staffed by tribal members empowered to award certificates of title to lands claimed by over 12 million indigenous people in the country. It awards such “ancestral domain lands” on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. However, the Government has been slow to implement the legislation, because of strong opposition from mining and agribusiness interests. In March President Macapagal-Arroyo distributed land titles to 600 families of the Manobi tribe in Bukidnon province. She also issued an executive order to review the operation of the NCIP.

Other measures have affected indigenous communities in adverse ways. The 1995 Mining Act promoted mining operations, hydroelectric dams, and other large-scale projects that forced indigenous people to relocate and abandon farming and hunting land that they have used for generations.

Indigenous people continued to face legal threats to their claims to ancestral lands from developers, mining interests, and local political interests. There were reports that in October armed guards employed by an agricultural company forcibly dispersed 33 families of the T'boli and B'laan tribes in South Cotabato province from what the tribes claimed was their ancestral land. The Higaonon people in Mindanao claim that they continue to be deprived of portions of their ancestral land by a powerful local landowning family that forced their removal through a violent demolition conducted by the PNP and private security forces in 1997. The Catholic Bishops Conference of the Philippines continues to express concern over the effects of existing and planned large-scale mining on the land of the many indigenous people of Mindanao.

Religious Minorities.—At least 5 million Muslims, who constitute approximately 7 percent of the population, reside principally in Mindanao and nearby islands and are the largest single minority group in the country. Historically they have been alienated from the dominant Christian majority, and government efforts to integrate Muslims into the political and economic fabric of the country have met with only limited success. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group. Muslims report that they have difficulty renting rooms in boarding houses or being hired for retail work if they use their real name or wear distinctive Muslim dress. Some Muslims therefore use a Christian pseudonym and do not wear distinctive dress when applying for housing or jobs. Muslims continue to be underrepresented in senior civilian and military positions. Provinces in Mindanao that are predominantly Muslim lag behind the rest of the region in almost all aspects of socioeconomic development.

Christian and Muslim communities live in close proximity throughout central and western Mindanao and, in many areas, their relationship is harmonious. However, efforts by the dominant Christian population to settle in traditionally Muslim areas, particularly over the past 60 years, have brought resentment from some Muslim residents. Muslims view Christian proselytizing as an extension of an historical effort by the Christian majority to deprive them of their homeland and cultural identity as well as their religion. Christian missionaries work in most parts of western Mindanao, often within Muslim communities.

Although Christian-Muslim relations remained strained, they improved during the year, due mainly to such Government actions as the renewed efforts to negotiate with the separatist MILF, the appointment of a Muslim cabinet secretary, the declaration of Eid al-Fitr as a national holiday, and increased assistance to Muslims making the Hajj. However, the Government's crackdown on the terrorist ASG, beginning in July, led to accusations by many human rights NGO's of police and military abuses (see Section 1.b.).

In June the Government reached agreement with the MILF to cooperate on efforts to resettle displaced persons and undertake development projects in areas of conflict. In August the parties signed a cease-fire agreement, and, despite intermittent clashes, the agreement remained in effect at year's end. Direct talks were stalled; however, both sides reportedly were seeking a resumption of negotiations. Government efforts to reintegrate former MNLF insurgents into society continued.

A largely free, fair, and peaceful plebiscite for an expanded ARMM, called for in the 1996 peace agreement between the Government and the MNLF, was held in August, with one additional province and one additional city voting to join the ARMM regional government. However, prior to the November 26 election for ARMM officials, more than 80 persons were killed and many more wounded when MNLF members loyal to outgoing ARMM Governor Nur Misuari attacked an AFP outpost in Sulu. Misuari fled to Malaysia in late November, where he was being held for illegal entry and pending extradition at year's end (see Sections 1.a. and 3).

On January 4, police in Manila arrested 16 Muslims and 1 Christian in connection with 5 bombings on December 30, 2000. The bombings had killed 20 civilians and 2 police officers. The Government released all but one of the suspects, and stated that there was no evidence to support holding them. The Government also dropped charges in connection with the bombings filed by the Estrada Government against the top leaders of the MILF.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws provide for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

There are 176 registered labor federations and more than 9,700 private sector unions, a small increase over 2000. The 3.6 million union members represent 11 percent of the total workforce of 33 million. The number of firms using contractual labor, primarily large employers, continued to grow.

As of September, the Bureau of Labor Relations had registered 875 public sector unions, compared with 691 at the end of 2000. Total public sector union membership was nearly 200,000 up 13 percent from 2000.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment may intervene in some labor disputes by assuming jurisdiction and mandating a settle-

ment if the Secretary decides that the industry involved in the strike is vital to national security.

The National Conciliation and Mediation Board (NCMB) reported 43 strikes during the year down from 60 in 2000. There were nearly 207,000 workdays lost to strikes, compared with nearly 320,000 in 2000. The average duration of strikes increased to 37 days from 26 days in 2000.

Notable strikes during the year included a strike in March and April against Toyota Philippines, which ended when labor and management agreed to compulsory arbitration. In August the employees of the Social Security Service (SSS), supported by demonstrators affiliated with the Communist Party, staged an apparently illegal 3-day work stoppage demanding the ouster of the SSS head and an end to certain SSS policies. The situation was defused when the SSS head accepted a transfer to another government position. In October and November, a union affiliated with the Communist Party conducted an illegal strike against Nissan Philippines, which ended when union members, who had not participated in the picketing, voluntarily returned to work.

During the year, the NCMB intensified its efforts to promote labor management cooperation and voluntary arbitration. A number of threatened strikes against local operations of several multinational corporations were averted through its services.

The Labor Code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years. However, according to the DOLE, there never has been a conviction under this provision.

The ILO Committee of Experts criticized laws that place undue restrictions on the right to strike in nonessential services. The Committee also remained concerned regarding the imposition of penalties in cases in which strikes were deemed illegal, the restrictions on the right of government workers to strike, and restrictions on the right to organize and form a bargaining unit.

There again were allegations of routine management intimidation of union members, particularly in Special Economic Zones (SEZ's) (see Section 6.b.).

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union federations, the Trade Union Congress of the Philippines and the Federation of Free Workers, are affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor, respectively.

The ICFTU has claimed that a union may be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires an excessively high number of unions before a federation or national center can be formed.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers. The number of workers covered by collective bargaining agreements fell to 465,000 or about 13 percent of union members.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial National Labor Relations Commission (NLRC). However, unions maintain that widespread ignorance of basic standards and rights is a major obstacle to union organization. Before disputes reach the NLRC, the DOLE provides the services of the NCMB, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. DOLE through the NCMB also worked to improve the functioning of labor-management councils in companies that already have unions.

Trade union officials report that underpayment of the minimum wage and the use of contracting to avoid required benefits were common practices, including in the SEZ's. Dismissal or threatened dismissal of union members also was common, and there were reports that some workers were terminated after merely speaking with union organizers. There were reports that some companies offered cash to employees who agreed to identify union organizers. Some companies reportedly ordered overtime to disrupt union meetings.

Labor law applies uniformly throughout the country, including the SEZ's, in which tax benefits are used to encourage the growth of export industries. However, local political leaders and officials who govern the SEZ's have attempted to frustrate union organizing efforts by maintaining union free/strike free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection has created further obstacles to the enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claim authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often is controlled tightly through SEZ labor centers, in which political ties to local figures play a role

in gaining job eligibility. Despite sporadic labor unrest and some organizing efforts, union successes in the SEZs have been few and marginal. Some mainstream unions avoid a major unionizing effort in the lower wage SEZ industries, such as the garment industry. They consider it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who work on short-term contracts in the zones' many electronics and garment factories. There were reports that some companies in SEZs locked toilets during working hours, except at break time.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including forced and bonded labor by children; however, despite the Government's efforts, there were some reports of forced and bonded labor, especially by children, mainly in prostitution, drug trafficking, and other areas of the informal sector, as well as trafficking in women and children for prostitution (see Sections 5, 6.d., and 6.f.). The legal minimum age for employment as a domestic worker is 15; over 300,000 children 17 years of age or younger, including many under 15 are so employed. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu under terms that involve a "loan" advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, a significant number of children are employed in the informal sector of the urban economy or as unpaid family workers in rural areas, some as bonded laborers (see Sections 5, 6.c., and 6.f.). According to a 1995 government survey, there are at least 3.7 million working children, approximately 2 million of whom are exposed to hazardous working environments. Trafficking in children is a serious problem (see Section 6.f.).

There are few child labor violations in the formal manufacturing sector. The Employers Confederation of the Philippines pursues an active and highly visible program against child labor. Most child labor is in the informal sector, most often in family settings, and the Government rarely if ever seeks to prosecute a poor family because they have a working child.

In 1999 the DOLE issued an updated list of hazardous and deleterious work that is prohibited for persons under the age of 18. The DOLE and other agencies continue to work closely with UNICEF and the International Program on the Elimination of Child Labor (IPEC) to reduce violations of child labor laws.

Efforts to address the practice of employing children as divers in dangerous conditions on coral reef fishing vessels met with mixed success. In February seven minors employed as divers escaped from two fishing boats in Palawan. In April 56 boat operators signed an agreement with the Government not to employ minors. In October a provincial prosecutor in Palawan withdrew charges of employing minors brought against a fishing company because the children had not been recruited by the employer and had represented themselves as being of legal age. The ILO-IPEC project to address this issue facilitated the signing of an agreement on procedures for eradicating child labor in deep-sea fishing in Negros Oriental province in October.

Mindanao plantations growing bananas for export frequently used children as day laborers in trimming and fertilizing plants and in clearing irrigation ditches.

The DOLE works with domestic NGO's to educate communities on child labor and provides counseling and other activities for children. It uses fines and criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. The DOLE continued its efforts to rescue exploited child workers, and during the first half of the year, nearly 100 minors were rescued in 34 different operations. In June eight minors, some as young as 14 years old, were found working as fertilizer baggers at a port area in La Union province. In July 10 minors were rescued from a noodle factory in Pangasinan, where they were employed in sweatshop conditions. In August two minors were rescued from a pottery factory in Batangas. In October 18 minors, again some as young as 14 years old, were rescued from a cosmetics firm in Valenzuela City. Several rescues involved minors working as prostitutes. In such cases, the minors rescued were turned over the Department of Social Welfare and Development, and criminal charges were filed against the employers. Routine inspection through September found 11 business establishments nationwide employing a total of 26 children. Inspection statistics from 1996 through 2001 show a

steady decline in the number of child labor violations, possibly reflecting increased public awareness of child labor laws.

In February a court in Quezon City convicted a bar owner of employing minors to perform lewd shows. In May a court in Bulacan convicted a manufacturer of abusing six minor workers. In both cases the courts imposed a 6- to 8-year prison sentence. Cases against several others accused of employing minors were pending at year's end.

Children reportedly continue to be employed illegally on the docks of some Mindanao and Visayan ports, although there were no specific reports of such labor during the year. Working at a piece rate in the unloading of bulk cargo they are exposed to harmful dust and chemicals in the ships' holds. The children earn far less than adults would demand for the same work.

The DOLE and the Department of Education, Culture, and Sports work with NGO's and international organizations such as the UNICEF and IPEC to assist children to return to school. In May President Macapagal-Arroyo committed the Government to implementing ILO Convention 182 through the ILO-IPEC Time-Bound Program, and the National Economic Development Authority has integrated TBP implementation as a priority item in the 2001 to 2004 Philippine National Development Plan.

The law prohibits forced and bonded labor by children; however, despite government enforcement efforts, there were reports of its use, mainly in the informal sector and prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Tripartite regional wage boards set minimum wages. A round of wage increases was implemented in most regions of the country late in the year. The highest rates are in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers is about \$5.60 (280 pesos), which does not provide a decent standard of living for a worker and family. At this pay level, at least two family members would have to work full-time to support a family of six above the level of the Government's minimum daily cost of living for the Manila area. The lowest minimum wages are in the ARMM, where the daily agricultural wage is \$2.60 (131 pesos). Large numbers of workers receive less than the minimum wage set for their area.

Regional wage board orders cover all private sector workers except domestic servants and other persons employed in the personal service of another person. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards is common. Many firms hire employees at below the minimum apprentice rates, even if there is no approved training in their production-line work. DOLE officials estimate a 30 to 40 percent noncompliance rate with the minimum wage requirement and acknowledge that the shortage of inspectors makes the law difficult to enforce. In addition to fines, the Government also makes use of administrative procedures and moral suasion to encourage voluntary employer correction of violations. Complaints about nonpayment of social security contributions, bonuses, and overtime are particularly common with regard to companies in SEZ's.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. An overtime rate of 125 percent of the hourly rate is mandated on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE manages enforcement of workweek hours through sporadic inspections.

Several NGO's seek to protect the rights of the country's 7.4 million workers employed overseas. The Government places financial sanctions and criminal charges on domestic recruiting agencies that are found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency has registered and supervised domestic recruiters' practices successfully, the Government often is unable to ensure workers' protection overseas. It seeks cooperation from receiving countries and proposes migrant worker rights conventions in international forums. The Government also provides assistance through its diplomatic missions in countries with substantial numbers of migrant workers. In April President Gloria Macapagal-Arroyo ordered the allocation of a \$1.6 million (80 million pesos) fund to assist Filipino workers facing legal problems abroad.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these stand-

ards, but with only 260 positions allocated for inspectors nationwide, actual enforcement often is carried out by local authorities. DOLE officials acknowledge that their 253 inspectors are not adequate for the number of work sites in need of visits. DOLE has launched a campaign to promote safer work environments in small enterprises called Work Improvement in Small Enterprises. Statistics on actual work-related accidents and illnesses are incomplete, as incidents (especially in agriculture) are underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically the conditions they work under are better than those faced by citizens.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking in persons is a serious problem (see Sections 5, 6.c., and 6.d.). The Government used five laws against related illegal commerce to address and prosecute trafficking. On October 24, the Senate ratified the U.N. Convention against Transnational Organized Crime and its two protocols on human trafficking and smuggling. The Philippines is a source, transit point, and, to a lesser degree, destination country for trafficking in persons. Internal trafficking is also a problem.

Over the past decade, approximately 150,000 Filipino women reportedly have been trafficked into prostitution in Asia (particularly Japan), Europe, and North America. Tens of thousands of men and women from mainland China are trafficked through the country, to other parts of the world, including to Pacific island nations and the United States. A relatively smaller number of adults and a larger number of children are trafficked within the country by illegal recruiters. Children from poor rural areas are brought to major urban centers for purposes of sexual exploitation and to work as domestic servants. Some recruiters reportedly bring girls between the ages of 13 and 17 to work as servants under terms that involve a loan advanced to their parents that the children are obliged to repay through their work (see Sections 5, 6.c., and 6.d.). This internal economic migration is viewed widely as a socially acceptable means of upward economic mobility for rural and poor families. Children and young women typically are trafficked internally from rural areas to Manila and other urban centers. According to unconfirmed reports a number of Filipinos from the southern part of the country are recruited to Singapore with promises of employment as seafarers. Once there, they are impressed aboard Taiwan-owned fishing boats, which fish the Andaman Sea and the Indian Ocean, their passports are confiscated and they often are paid little or no wages.

The traffickers of Chinese nationals typically are Chinese international organized crime gangs, and local employment recruitment agencies generally traffic citizen victims. There is no known evidence that government agencies facilitate, condone, or are otherwise complicit in trafficking; however, corruption is pervasive, and some government officials such as customs officers, border guards, immigration officials, and local police receive bribes from traffickers.

Many women seek employment overseas and are particularly vulnerable to exploitation by recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men, often via Internet-based mail-order-bride schemes. Some eventually work as prostitutes or suffer abuse by their foreign employers or husbands. Those recruited to work as maids, entertainers, or models overseas may be forced to participate in public shows or dances in which nudity and the prospect of sex are the principal attractions to clients. Other persons knowingly accept questionable jobs to support parents, children, or siblings with their remittances. Victims of trafficking, typically single women between the ages of 20 and 29, variously report being confined or detained, denied money or food, being held in debt servitude, deprived of normal social interaction, and forced to work long hours. Some report never being paid at all.

There were reports of the sexual exploitation of children. Despite government efforts at law enforcement and expanded children's programs, it is estimated that some 60,000 children are involved in the commercial sex industry. Most of these children were girls, and nearly all have dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they come from families with unemployed or irregularly employed parents.

There were no prosecutions for trafficking in persons during the year; however, more than 1,900 victims filed complaints of illegal recruitment during the year, an increase of 36 percent over 2000. Seven recruiters were convicted of illegal recruitment with four sentenced to life imprisonment. In a case involving the attempted smuggling of Chinese nationals to destinations in North America, the authorities arrested 13 persons of various nationalities. Five citizens were arrested for child abuse

and the transportation of female children for immoral purposes in a case involving the recruitment of children to serve as prostitutes for foreign tourists.

The DSWD, which is the lead agency in public assistance to victims of trafficking, continued to provide temporary shelter and counseling to women engaged in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 5). It also offered livelihood skills development and other services. DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments.

The 1995 Migrant Workers and Overseas Filipinos Act was enacted to provide the Government with greater financial resources and improved authority to combat such problems. However, NGO's believe that such measures have been inadequate, since traffickers remain numerous and effective in luring women with promises of lucrative overseas contracts.

The National Commission on the Role of Filipino Women is the Government's lead agency on women's issues, including trafficking. Its principal function is to coordinate the implementation of government programs on the integration of women in national development. It monitors compliance with laws on equal treatment and protection of women and serves as a clearinghouse for related information.

In 1999 the Department of Foreign Affairs established an internal task force on trafficking in persons. Within the DOLE, the Bureau of Women's Affairs, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration (POEA) address different aspects of the trafficking problem. The POEA, as part of the DOLE, continued its efforts to end illegal recruiting. At year's end, it had closed 28 firms for illegal recruitment, an increase of 154 percent over the previous year. It also has raised the age, educational requirements, and professional standards for young women seeking jobs abroad. Several Cabinet departments, presidential commissions, and legislators also are involved in vigorous public awareness campaigns.

The CHR investigates violations of the rights of trafficking victims and establishes cases for prosecution. It conducts public information and sectoral education campaigns, and provides human rights training for other government agencies, including the PNP.

The Government, in cooperation with the U.N. Center for International Crime Prevention has implemented a pilot project, "Coalitions against Trafficking in Human Beings in the Philippines." The project's action plan outlines a 2-year strategy for improving interagency coordination, strengthening law enforcement, and developing strategies to assist victims.

SAMOA

Samoa is a parliamentary democracy that incorporates certain traditional practices into its legislative system. The Constitution provides for a head of state; a unicameral legislature composed of family heads, or "matai," who are elected by universal suffrage; the protection of land rights and traditional titles; and other fundamental rights and freedoms. Allegations of bribery and abuse of the electoral rolls resulted in court challenges following the March parliamentary elections. Ultimately, the Supreme Court ordered four by-elections. In November the Human Rights Protection Party won all four elections to bring its total to 30 of the 49 parliamentary seats. Executive authority is vested in the Head of State with the Government administered by the Cabinet, which consists of the Prime Minister and 12 ministers chosen by him. All laws passed by the Legislative Assembly need the approval of the Head of State, Malietoa Tanumafili II, who holds the position for life. The Legislative Assembly is to elect his successors for 5-year terms. The judiciary is independent.

The country does not have a defense force. The small national police force is controlled by the Government, but it has little effect beyond Apia, the capital city. Enforcement of rules and security within individual villages is vested in the "fono" (Council of Matai), which settles most internal disputes. Judgments by the fono usually involve fines or, more rarely, banishment from the village.

The country's population of approximately 180,000 is poor, with a market-based economy in which more than 60 percent of the workforce are employed in the agricultural sector. Fish, kava, and coconut products are the principal exports. The small industrial sector is dominated by a foreign factory that assembles automotive electrical parts for export. The Government continued an effort to promote tourism. Per capita gross domestic product is \$1,100 per year. The country is heavily depend-

ent on foreign aid and on remittances sent to family members by the more than 100,000 citizens living overseas.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some restrictions on freedom of speech, press, and religion. Political discrimination against women and non-matai, and violence against women and children were problems. Societal pressures and customary law may interfere with the ability to conduct fair trials. Those who do not conform to accepted societal values may face pressure, threats, violence, and banishment.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The former Minister of Women's Affairs Leafa Vitale; his son, Eletise Leafa Vitale; and the former Minister of Telecommunications, Toi Aokuso Cain, who were convicted in March 2000 of the July 1999 murder of the Minister of Public Works Luaglau Levaula Kamu, remain in prison serving life sentences.

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

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

Jail conditions generally appear to meet international standards although they are fairly basic with respect to food and sanitation. The question of monitoring prison conditions by human rights groups has not arisen. Prison visits by family members and church representatives are permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The law provides for issuance by the High Court of an arrest warrant based on sufficient evidence, and the Government adheres to this provision in practice. The law provides for the right to a prompt judicial determination regarding the legality of detention, and the authorities respect this right in practice. Detainees are informed within 24 hours of the charges against them, or they are released. Detainees are allowed prompt access to family members and a lawyer of their choice. If the detainee is indigent, the Government provides a lawyer. There is a functioning system of bail.

Villages are governed by traditional law, and the fono may mete out banishment, one of the harshest forms of punishment in this collective society. In some cases, civil courts have overruled banishment orders. In July 2000, the Supreme Court ordered the reinstatement of 32 persons who were banished from a village for practicing a religion other than that traditionally practiced in the village (see Section 2.c.), and they have reoccupied their previous residences.

The Government does not use forced exile.

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

The judiciary consists of magistrates' courts, coroners' courts, and the Lands and Titles Court, with the High or Supreme Court acting as the court of final appeal.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. However, many civil and criminal matters are handled by village fono, which vary considerably both in their decisionmaking style and in the number of matai involved in the decisions. The 1990 Village Fono Act gives legal recognition to the decisions of the fono and provides for limited appeal to the Lands and Titles Courts and to the Supreme Court. In July 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Section 2.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides substantive and procedural safeguards against invasion of the home or seizure of property, including a requirement for search warrants, which are issued by the judicial branch. However, there is little or no privacy in villages. While village officials by law must have permission to enter homes, there can be substantial societal pressure to grant such permission.

In January the village council of Falealupo on the neighboring island of Savaii banned Aeau Peniamina Leavai, former parliamentarian and former Speaker of Parliament, and his family from entering their village, reportedly because of his candidacy in the March parliamentary elections (see Section 3). Falealupo has 1,600 registered voters and has instituted controversial bannings in previous years. In

2000 approximately 60 members of a Bible study group were jailed when they did not adhere to a ban by the village on conducting a religious class.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In August 2000, the Supreme Court overturned a 1997 ban by the then Prime Minister on coverage of the leader of the opposition on state-run radio and television stations. In practice the Government's ban largely had been symbolic, since opposition statements received prominent coverage in the private news media. In July 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

On August 6, Attorney General Brenda Heather-Latu formally warned local media that comments about the Supreme Court, the Chief Justice, and judges breached the laws of contempt of court and libel. The Attorney General said that even in a free society, the media did not have the right to make defamatory comments about the court. The statement resulted from publication of a private citizen's letter on July 28 in the independent newspaper *The Samoa Observer*. The letter attacked the independence of the Supreme Court and questioned the integrity of the justices. The *Samoa Observer* published an apology to the Court on August 9, noting that the editorial board recognized the difference between fair comment about the court system and the "defamatory and contemptuous comments" published in the letter. No legal action was taken against the person who wrote the letter.

Two English-language newspapers and a number of Samoan-language newspapers are printed regularly. The law requires journalists to reveal their sources in the event of a defamation suit against them. There has been no court case invoking this law.

In February 2000, the Supreme Court dismissed a petition brought by government-owned Polynesian Airlines against the independent newspaper *The Samoa Observer*, which requested the court to jail the newspaper's editors. In 1999 the Supreme Court had granted Polynesian Airlines an injunction to prevent the newspaper from publishing news about the company's expenses for senior staff, and the airline filed the petition in response to a subsequent editorial about the incident. No further legal action was taken during the year.

The Government operates the sole television station. There are four private radio stations (one AM and three FM), and a satellite-cable system is available in parts of Apia. Television from American Samoa is readily available. Internet use is expanding rapidly, both as a news source and as a means of two-way communication; there has been no government interference with its use.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. In July 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

On January 31, protesters from Siumu, a village about 10 miles from Apia, closed a major roadway. The action reportedly was a protest against the sale by the Government of approximately 1,400 acres of land that the village claimed was owned communally. The Government took no action against the protesters until February 7, when the Siumu District Council agreed to negotiate with the Government to resolve the dispute. At year's end, the issue was not resolved; however, the roadblock had not resumed.

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

The Constitution acknowledges "an Independent State based on Christian principles and Samoan custom and traditions." Nevertheless, although Christianity is favored constitutionally, there is no official or state denomination. There are no requirements for the recognition of a religious group or for licenses or registration.

Although the Constitution grants each person the right to change religion or belief and to worship or teach religion alone or with others, in practice the matai often choose the religious denomination of the aiga (extended family). In recent years, despite the constitutional protection, village councils—in the name of maintaining social harmony within the village—sometimes banished or punished families that did not adhere to the prevailing religious belief in the village. However, during the year, there were no new cases of individuals being banished by villages due to their practicing religion differently from that practiced by the village majority.

In July 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association. The Supreme Court also ordered the reinstatement of 32 persons who had been banished from a village for practicing a religion other than that traditionally practiced in the village. The plaintiffs had complained that the village matai in Saipipi village had prohibited them from conducting Bible classes or church services on the village's communal land and limited the number of churches allowed in the village.

Missionaries operate freely, either as part of one of the established churches, or by conducting independent revival meetings. The major denominations (for example, Congregational, Methodist, Catholic, and the Church of Jesus Christ of Latter-Day Saints) that are present in the country all have missionaries. There is an independent Christian radio and television station.

The Constitution provides freedom from unwanted religious indoctrination in schools but gives each denomination or religion the right to establish its own schools; these provisions are adhered to in practice. There are both religious and public schools; the public schools do not have religious instruction as part of their curriculum. There are pastoral schools in most villages to provide religious instruction following school hours.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, in practice some citizens either have been banned from village activities or banished completely from their villages. In January the elders of a village banned a former parliamentarian and his family from entering their village (see Sections 1.f. and 3).

The Government actively supports emigration as a "safety valve" for the pressures of a growing population, especially for potentially rebellious youths, and because it generates foreign income through remittances. There are an estimated 100,000 citizens living abroad, and their remittances make a significant contribution to the national economy.

The country is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has not enacted enabling legislation or formulated a policy regarding refugees, asylees, or first asylum. Nevertheless, the authorities have indicated that they would conform to international norms if such cases should arise. The issue of the provision of first asylum has never arisen. The Government is prepared to cooperate with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees; however, the need did not arise during the year.

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

Citizens have the right to change their government through direct multiparty elections held on the basis of universal suffrage; however, women's political rights are restricted by the fact that few of them are matai. While all citizens above the age of 21 may vote, the right to run for 47 of the 49 seats in the Legislative Assembly remains the prerogative of the approximately 25,000 matai, 95 percent of whom are men. Matai are selected by family agreement; there is no age qualification. Matai control local government through the village fono, which are open to them alone. The remaining two seats are reserved for citizens not of Samoan heritage.

The political process is more a function of personal leadership characteristics than of party. The Human Rights Protection Party (HRPP) has dominated the political process, winning six consecutive elections since 1982. Although candidates are free to propose themselves for electoral office, in practice they require the approval of the village high chiefs.

In elections on March 2, the HRPP won 23 seats and declared victory 2 weeks later when 5 opposition party members switched to the HRPP; the opposition Samoa National Development Party holds 13 seats, and there are 8 United Independents. The election was marred by charges of bribery, and 10 losing candidates initially filed election challenges. Following a series of trials from May through September, the Supreme Court in September ordered four by-elections. On August 16, the Attorney General ordered the High Court to consider no further challenges and thereby prevented as many as 40 additional challenges from being filed. In November the HRPP won all 4 court-ordered by-elections to bring its total to 30 of 49 parliamentary seats.

Retaliation was directed against witnesses who testified regarding bribery. In March the Afega village council banished 10 persons and their families for giving evidence in a bribery case; however, in June the High Court overturned the village court order, and the persons returned to their village. Other candidates who ran against the wishes of their village councils were banished. For example, in January

Aeau Peniamina Leavai, former parliamentarian and former Speaker of Parliament, and his family were banned from entering his village of Falealupo, reportedly because he ran for Parliament against the wishes of the village council (see Section 1.f.).

There are no prohibitions on the formation of opposition parties, and there are a total of five political parties, two of which are represented in Parliament.

The percentage of women in government and politics does not correspond to their percentage of the population; however, they occasionally reach high public office. The 12-member Cabinet has 1 female member, and women hold 3 of the 49 seats in the Legislative Assembly.

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

A number of human rights groups generally 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 Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. There are no significant ethnic minorities. Politics and culture reflect a heritage of chiefly privilege and power, and members of certain families have some advantages. While there is discrimination against women and nonmatai, who only occasionally may reach high office, women (and particularly female matai) play an important role in society.

Women.—While the law prohibits the abuse of women, social custom tolerates their physical abuse within the home; abuse is common. The role and rights of the village fono and tradition prevent police from interfering in instances of domestic violence, unless there is a complaint from the victim—which village custom strongly discourages. While police receive some complaints from abused women, domestic violence offenders typically are punished by village councils, but only if the abuse is considered extreme (that is, visible signs of physical abuse). The village religious leader also may intervene in domestic disputes. The Government punishes persons responsible for extreme assault cases, including by imprisonment.

Many cases of rape still go unreported because tradition and custom discourage such reporting; spousal rape is not illegal. Despite such discouragement, the authorities note an increasing number of reported cases of rape, as women slowly become more forthcoming with the police. Rape cases that reach the courts are treated seriously. Convicted offenders often are given relatively stiff sentences of several years' imprisonment.

Prostitution is illegal, and it is becoming a problem; the law prohibits sex tourism. Sexual harassment is prohibited by law; it is not a widespread problem but believed to be underreported.

The traditional subordinate role of women is changing, albeit slowly, especially in the more conservative parts of society. The Ministry of Women's Affairs oversees and helps secure the rights of women; during the year, it was increasingly active on the problem of domestic violence. In order to integrate women into the economic mainstream, the Government sponsors literacy programs and training programs for those not completing high school.

Children.—The Government has made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Education and the Ministry of Health. Education is free and compulsory through age 16. Boys and girls are treated equally and attend school in approximately equal percentages, and the average educational level reached by most children is junior high school. The Government provides health care for children at public hospitals for minimal charge. Law and tradition prohibit severe abuse of children, but tradition tolerates corporal punishment. The police have noted an increase in reported cases of child abuse, which is attributed to citizens becoming more aware of the need to report the physical, emotional, and sexual abuse of children. There are no reports of child prostitution.

There is one behavior modification camp for foreign children with emotional or behavioral problems. A second camp closed during the year following allegations of mistreatment of some of the children in their care.

Persons with Disabilities.—The Government has passed no legislation pertaining to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom is observed widely in practice. There are no reports of societal discrimination against persons with physical or mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There are no practical limitations to union membership, and approximately 20 percent of the workforce are unionized. There are two trade unions in the country. The Samoa National Union, organized in 1994, is a six-member association that includes workers from the three major banks. A second union represents members at the sole factory in the country. Both unions are independent of the Government and political parties. The Public Service Association, which represents government workers (an increasingly important sector of the work force), also functions as a union. There are no laws specific to union activity. The Commissioner of Labor adjudicates any cases of retribution against strikers or union leaders on a case-by-case basis.

The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. Workers in the private sector have the right to strike, but there were no strikes during the year. The Public Service Association freely maintains relations with international bodies and participates in bilateral exchanges.

b. The Right to Organize and Bargain Collectively.—While workers have the legal right to engage in collective bargaining, they seldom have practiced it, due to the novelty of union activity and the inexperience of union leaders. The Public Service Association engages in collective bargaining on behalf of government workers, including bargaining on wages. Any antiunion discrimination case would be reported to and adjudicated by the Commissioner of Labor. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arise.

Labor law and practice in the sole export processing zone are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, in this collective society, persons, including minors, frequently are called upon to work for their villages. Most persons do so willingly; however, the matai may compel those who do not (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, it is illegal to employ children under 15 years of age except in “safe and light work.” The Commissioner of Labor refers complaints about illegal child labor to the Attorney General for enforcement; however, no cases were prosecuted during the year. Children frequently are seen vending goods and food on Apia street corners. Although the practice constitutes a violation of the law, local officials mostly tolerate and overlook it. There are no reports of bonded labor by children; however, the law does not apply to service rendered to the matai, some of whom require children to work for the village, primarily on village farms (see Section 6.c.).

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The law establishes for the private sector a 40-hour workweek and an hourly minimum wage of \$0.47 (WS\$1.40). An advisory commission to the Minister of Labor sets minimum wages. Wages in the private sector are determined by competitive demand for the required skills. This minimum wage suffices for a basic standard of living for worker and family when supplemented by the subsistence farming and fishing in which most families engage. The law provides that no worker should be required to work for more than 40 hours in any week.

The law also establishes certain rudimentary safety and health standards, which the Attorney General is responsible for enforcing. However, independent observers report that the safety laws are not enforced strictly, except when accidents highlight noncompliance. Many agricultural workers, among others, are protected inadequately from pesticides and other dangers to health. Government education programs are addressing these concerns. The law does not apply to service rendered to the matai. While the law does not address specifically the right of workers to remove themselves from a dangerous work situation, a report of such a case to the Commissioner of Labor would prompt an investigation, without jeopardy to continued employment. Government employees are covered under different and more stringent regulations, which are enforced adequately by the Public Service Commission.

Foreign workers are protected by law; minimum wage and working conditions standards apply equally to them. There are very few foreign workers in the country due to the high unemployment rate. Most foreign workers are educated professionals in technical and health services fields.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SINGAPORE

Singapore is a parliamentary republic in which politics is dominated overwhelmingly by the People's Action Party (PAP), which has held power since the country gained autonomy from the United Kingdom in 1959. Opposition parties exist and regularly contest elections; however, after the October dissolution of Parliament and the subsequent November elections, the PAP holds 82 of 84 elected parliamentary seats and all ministerial positions. Elections take place at regular, constitutionally mandated intervals. The judiciary is efficient and constitutionally independent; however, there has been a perception that it reflects the views of the executive in politically sensitive cases as government leaders historically have utilized court proceedings successfully, in particular defamation suits, against political opponents and critics.

The police are responsible for routine security within the country and for the protection of the borders, including action against illegal immigrants and patrolling the island's territorial waters. The military forces are responsible for external defense. The Internal Security Department (ISD) in the Ministry of Home Affairs is authorized by the Internal Security Act (ISA) to counter such perceived threats to the nation's security as espionage, international terrorism, threats to racial and religious harmony, and subversion. The civilian Government maintains effective control over all security activities. Some members of the security forces committed human rights abuses.

The country has a free market economic system. The country's population is 4,000,000. Financial and business services industries, manufacturing of semiconductors and telecommunications equipment, and petroleum refining and petrochemical production are key sectors of the economy. The Government has liberalized broadly market access for telecommunications and financial services providers. The country is in a recession. During the year, economic growth declined sharply as electronic exports fell. The economy shrank by 2.2 percent during the year, compared to a nearly 10 percent growth rate in 2000. Per capita gross domestic product was estimated at \$23,015. Wealth is distributed broadly and the unemployment rate is low.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. The Government has wide powers to limit citizens' rights and to handicap political opposition. There were a few instances of police abuse of detainees; however, the Government investigates and punishes those found guilty, and the media fully cover allegations of mistreatment. Caning, in addition to imprisonment, is a routine punishment for numerous offenses. The Government continues to rely on preventive detention to deal with espionage, terrorism, organized crime, and narcotics. The authorities sometimes infringe on citizens' privacy rights. The Government continues to restrict freedom of speech and the press significantly and to limit other civil and political rights. Government pressure to conform results in the practice of self-censorship among journalists. Government leaders historically have utilized court proceedings, in particular defamation suits, against political opponents and critics. These suits, which consistently have been decided in favor of government plaintiffs, have chilled political speech and action and created a perception that the ruling party uses the judicial system for political purposes. J.B. Jeyaretnam, a nonelected opposition member of Parliament, lost his seat in July when declared bankrupt due to his inability to pay defamation damages awarded to ruling party members in previous years. Jeyaretnam also faced renewed defamation lawsuits stemming from the 1997 election filed by Senior Minister Lee Kuan Yew and six other ruling party plaintiffs. Also during the year, Senior Minister Lee and Prime Minister Goh Chok Tong sued an opposition leader, Chee Soon Juan, for defamation based upon comments Chee made during a campaign stop before the November 3 general election. During the campaign, Chee issued a public apology, admitting that he had made incorrect statements of fact. In December Chee retracted his apology and countersued the Senior Minister for defamation. Both suits were pending in court at year's end.

There was a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues. A Speakers' Corner continued to provide a public forum for persons to speak on a range of issues. However, government restrictions on persons wishing to use it inhibited their ability to speak freely. After questioning two persons who took part in a December 2000 program at the Corner, police issued a letter of warning and a notice in January that events at the Corner that might be viewed as demonstrations or rallies required permits. The Government significantly restricts freedom of assembly and association. Jehovah's Witnesses and the Unification Church are banned; however, freedom of religion otherwise generally is respected. There is some legal discrimination against women, which affects benefits

for children and husbands in limited cases. The Government has moved actively to counter societal discrimination against women and minorities, but violence and some discrimination against women and reports of trafficking in persons for the purpose of prostitution persist. Foreign workers are vulnerable to mistreatment and abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, there were occasional instances of police mistreatment of detainees, and there were a few reports of police abuse during the year. Persons who allege mistreatment by the police may bring criminal charges against government officials who are alleged to have committed such acts. The media report fully on allegations of police abuse of those arrested, and the Government takes action against abusers. The press reported that approximately 10 law enforcement officers were jailed for using excessive force on prisoners and suspects between 1995 and 1999. In July four prison guards were sentenced to 9 months in prison for handcuffing and beating a prisoner in January 2000. In September a police corporal was sentenced to 9 months in prison for kicking a man in July 2000. In 1999, the last year for which statistics are available, 56 complaints of police abuse of detainees were filed, of which 7 were substantiated.

The Penal Code mandates caning, in addition to imprisonment, as punishment for some 30 offenses involving the use of violence or threat of violence against a person, such as rape and robbery, and also for such nonviolent offenses as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of criminal force, such as kidnaping or voluntarily causing grievous hurt. Women, men over age 50 or under age 16, and those determined unfit by a medical officer are exempted from punishment by caning. Although statistics for the year were not available, caning is a commonly administered punishment within the stipulations of the law.

Prison conditions are believed to meet international standards. The Government does not allow human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law provides that, in most instances, arrests are to be carried out following the issuance of an authorized warrant; however, some laws provide for arrests without warrants. Those arrested must be charged before a magistrate within 48 hours. The great majority of those arrested are charged expeditiously and brought to trial. Those who face criminal charges are allowed counsel, and the Law Society of Singapore administers a criminal legal aid plan for those who cannot afford to hire an attorney. A functioning system of bail exists for persons who are charged. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own counsel.

Some laws—the Internal Security Act (ISA), the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (MDA), and the Undesirable Publications Act (UPA)—have provisions for arrest without a warrant. The ISA is employed primarily against suspected security threats. Historically, these threats have been Communist-related, but the ISA was employed against suspected terrorists during the year. Opposition politicians have called for the abolition of the ISA, but the Government has rejected these calls, claiming that citizens accept the act as an element of the nation's security. The CLA historically has been employed primarily against suspected organized crime and drug trafficking.

The ISA and the CLA permit preventive detention without trial for the protection of public security or safety or the maintenance of public order. The ISA gives broad discretion to the Minister for Home Affairs to order detention without charge at the direction of the President, if the latter determines that a person poses a threat to national security. The initial detention may be for up to 2 years and may be renewed without limitation for additional periods up to 2 years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead detainees may make representations to an advisory board, headed by a Supreme Court justice, which reviews each detainee's case periodically and must make a recommendation to the President within 3 months of the initial detention. The Presi-

dent may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order but is not obligated to do so.

No one was detained under the ISA from 1989 through 1996. Two persons were detained in 1997, and four in 1998, all for alleged espionage. Of these six detainees, five were released after several months. One of those arrested in 1998 remained in detention at year's end. There were no further reports of detainees under the ISA until December, when 15 suspected Islamic militants, some of whom are alleged to have ties to the Al-Qaeda terrorist organization, were detained. Thirteen of these subsequently were ordered detained for 2 years, while two others were released with restrictions on travel and contacts.

The CLA comes up for renewal every 5 years; it was strengthened and extended for another 5 years in April 1999. Under its provisions, the Minister for Home Affairs may order preventive detention, with the concurrence of the Public Prosecutor, for an initial period of 1 year, and the President may extend detention for additional periods up to 1 year at a time. The Minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of making the order. The CLAC then reviews the case at a private hearing. CLAC rules require detainees to be notified of the grounds of their detention at least 10 days prior to the hearing. The detainee may represent himself or be represented by a lawyer. After the hearing, the Committee makes a written recommendation to the President, who may cancel, confirm, or amend the detention order. However, persons detained under the CLA may have recourse to the courts via an application of a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel but only may challenge the substantive basis for their detention to the CLAC. The CLA is used almost exclusively in cases involving narcotics or criminal organizations and has not been used for political purposes. According to official figures, less than 400 persons were detained under the provisions of the CLA as of June 2000, the most recent year for which information is available.

Persons who allege mistreatment while in detention may bring criminal charges against government officials who are alleged to have committed such acts.

Both the ISA and the CLA contain provisions that allow for such modified forms of detention as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, or, in the case of the ISA, restrictions on political activities and association.

The MDA permits detention without trial. Under the MDA, the director of the CNB also may commit—without trial—suspected drug abusers to a drug rehabilitation center for a 6 month period, which is extendable by a review committee of the institution for up to a maximum of 3 years. At the end of 1998, the most recent year for which there are statistics, almost 5,000 persons were detained under the provisions of the MDA for treatment and rehabilitation. Under the Intoxicating Substances Act, the CNB director may order the treatment for rehabilitation of a person believed to be an inhalant drug abuser for up to 6 months.

In November a man was arrested for an Internet posting which authorities alleged was an "attempt to incite violence or disobedience to the law" during the general election. The posting recalled and criticized a government decision that ruling party leaders had not violated the law by visiting polling stations during the 1997 election. The posting then rhetorically urged citizens to court arrest by trying to enter polling areas for similar visits. After his arrest, a judge ordered a psychiatric evaluation for the man. Prosecutors later withdrew the charges after the evaluation found the man to be suffering from a longstanding mental disorder. His wife agreed with a request by prosecutors that he undergo psychiatric treatment.

The Constitution prohibits exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision; however, laws that limit judicial review allow for some restrictions in practice. Some judicial officials, especially Supreme Court judges, have ties to the ruling party and its leaders. However, these ties generally do not appear to influence the judiciary's independence. The President appoints judges to the Supreme Court on the recommendation of the Prime Minister in consultation with the Chief Justice. The President also appoints subordinate court judges on the recommendation of the Chief Justice. The term of appointment is determined by the Legal Service Commission, of which the Chief Justice is the chairman. The 1989 constitutional amendments that eliminated judicial review of the objective grounds for detention under the ISA and subversion laws allow the Government to restrict, or even eliminate, judicial review in such cases and thereby restrict, on vaguely defined national security grounds, the scope of certain fundamental liberties provided for in the Constitution. Under the ISA and the CLA, the President and the Minister of Home Affairs have substantial de facto judi-

cial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) excludes normal judicial review.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics (see Sections 2.a. and 3). Both this practice and consistent awards in favor of government plaintiffs have raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflects the views of the executive in politically sensitive cases. Two cases from the 1997 elections—defamation actions against Workers' Party (WP) politicians Tang Liang Hong and J.B. Jeyaretnam for statements they made during the campaign (see Sections 2.a. and 3)—perpetuated the perception of undue judicial sympathy for government plaintiffs.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal; and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limits itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. In addition the law provides for Islamic courts whose authority is limited to Islamic family law.

If they wish, Supreme Court Justices may remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. The Constitution has a provision for the Prime Minister or the Chief Justice to convene a tribunal in order to remove a justice "on the ground of misbehavior or inability . . . to properly discharge the functions" of office, but it never has been used.

The judicial system provides citizens with an efficient judicial process. In normal cases, the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Defendants enjoy a presumption of innocence and the right of appeal in most cases. They have the right to be present at their trials and to be represented by an attorney; the Law Society of Singapore administers a criminal legal aid plan for those who cannot afford to hire an attorney. Defendants also have the right to confront witnesses against them, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Trials are public and by judge. There are no jury trials.

The Constitution extends these rights to all citizens. However, persons detained under the ISA or CLA are not entitled to a public trial. In addition proceedings of the advisory board under the ISA and CLA are not public (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution does not address privacy rights. The Government generally respects the privacy of homes and families; however, it has a pervasive influence over civic and economic life and sometimes uses its wide discretionary powers to infringe on these rights. Normally, the police must have a warrant issued by a magistrate's court to conduct a search; however, they may search a person, home, or property without a warrant if they decide that such a search is necessary to preserve evidence. The Government has wide discretionary powers under the ISA, CLA, MDA, and UPA to conduct searches without a warrant if it determines that national security, public safety or order, or the public interest are at issue. Defendants may request judicial review of such searches.

Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have wide networks for gathering information and highly sophisticated capabilities to monitor telephone and other private conversations and conduct surveillance. No court warrants are required for such operations. It is believed that the authorities routinely monitor telephone conversations and use of the Internet; however, there were no confirmed reports of such practices during the year. The law permits government monitoring of Internet use. It is widely believed that the authorities routinely conducted surveillance on some opposition politicians and other government critics; however, no such reports were substantiated during the year.

The Government is active in some areas normally considered private, in pursuit of what it considers the public interest. For example, the Government enforces ethnic ratios for publicly subsidized housing, where the majority of citizens live and

own their own units, a policy designed to achieve an ethnic mix more or less in proportion to that in the society at large.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression but permits official restrictions on these rights, and in practice the Government significantly restricts freedom of speech and of the press. The Government's authoritarian style has fostered an atmosphere inimical to free speech and a free press. Government intimidation and pressure to conform result in the practice of self-censorship among journalists; however, there was some limited progress towards greater openness during the year, including a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues.

Under the ISA, the Government may restrict or place conditions on publications that incite violence, that counsel disobedience to the law, that might arouse tensions among the various segments of the population (races, religions, and language groups), or that might threaten national interests, national security, or public order. While the ISA rarely has been invoked in recent years, political opposition and criticism remain restricted by the Government's authority to define these powers broadly. Occasional government references during controversies to speech that it considers "out-of-bounds" are understood to be implicit threats to invoke the ISA; however, these limits are not codified, and journalists and others generally believe that these limitations have shifted towards greater tolerance in recent years.

Government leaders often have challenged publicly the "Western model" of journalism, under which the media holds an antagonistic relationship with the Government, and advocated that news media should place primary stress on supporting the goals of the elected leadership and on helping maintain social and religious harmony. In addition strict defamation and press laws and the Government's demonstrated willingness to defend vigorously against what it considers personal attacks on officials, lead journalists, and editors sometimes to moderate or limit what is published.

Under the Public Entertainment and Meetings Act (PEMA), a permit is required for virtually any form of public speech or entertainment (see also Section 2.b.). The 1999 convictions of Chee Soon Juan, Secretary-General of the opposition Singapore Democratic Party, for giving two public speeches without a permit, sparked widespread discussion in the press by the public and officials regarding the possibility for relaxing these restrictions. Chee had asserted that he had no alternative but to violate the act, since his earlier applications for a permit either were refused or approved so late that the event had to be canceled. The authorities rejected these arguments, stating that they routinely had processed Democratic Party applications in 3 weeks, and that delay by organizers in submitting applications meant that permits were not issued until close to the date of the event.

As a result of this debate, the Government decided to institute a Speakers' Corner, which opened in September 2000; however, government restrictions on speakers still limited their ability to speak freely. Prospective speakers, who must be citizens, must show their identification cards and register in advance with police, but need not obtain a public entertainment license. There is a ban on sound amplification at the Speakers' Corner. A list of registered speakers is posted on a notice board outside the police station. While speech topics are not required to be declared in advance, government regulations governing the Speakers' Corner state that, "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups." A variety of persons, including politicians, social activists, and ordinary citizens, availed themselves of the Speakers' Corner during the year. In January, police questioned and warned two persons regarding a December 10, 2000, "Human Rights Day" program at the Speakers' Corner. Authorities viewed the program as improper because of the organizers' efforts to advertise the event and to elicit a response from the crowd during remarks. In March the police issued a warning letter to one of the two persons questioned. Additionally, police issued a public notice that activities at the Speakers' Corner which constitute rallies, demonstrations, or parades require public permits, and that violators would be subject to prosecution.

The Government strongly influences both the print and the electronic media. Singapore Press Holdings Ltd. (SPH), a private holding company with close ties to the Government, owns all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. The Government must approve, and can remove, the holders of SPH management shares, who have the power to appoint or dismiss all directors or staff. As a result, while newspapers print a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and coverage of sensitive foreign relations issues closely

reflect government policies and the opinions of government leaders. However, columnists' opinions, editorials, and letters to the editor express a range of moderately phrased opinions on public issues.

Government-linked companies and organizations operate all broadcast television channels and almost all radio stations. Only one radio station, the British Broadcasting Corporation (BBC) World Service, is completely independent of the Government. Some Malaysian and Indonesian television and radio programming can be received, but satellite dishes are banned, with few exceptions. However, households subscribing to cable have access to three foreign television news channels and many entertainment channels, including some that include news programs.

An increasing number of foreign media operations are located within the country. The law requires foreign publications that report on politics and current events in Southeast Asia to register and post a \$128,000 (SD234,000) bond and name a person in the country to accept legal service. These requirements strengthen the Government's control over foreign media. Under the Newspaper and Printing Presses Act, the Government may limit the circulation of foreign publications that it determines interfere with domestic politics. The importation of some publications is barred, although a wide range of international magazines and newspapers may be purchased uncensored; however, newspapers printed in Malaysia may not be imported (see Section 1.f.). The weekly circulation of the Asian Wall Street Journal (AWSJ) and the Far Eastern Economic Review (FEER), both foreign publications, is limited (or "gazetted"). Asiaweek also had been subject to limits prior to ceasing publication in December. The fact that the Government gradually has raised the allowed weekly circulation of the publications corresponding more or less to actual demand allows the Government to maintain this aspect of control over the press while still maintaining the appearance of flexibility. The Government also may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA. In April Parliament passed an amendment to the Singapore Broadcasting Act that empowers the Minister for Information and the Arts to "gazette" any foreign broadcaster deemed to be engaging in domestic politics. Once gazetted, the broadcaster is required to obtain express permission from the Minister to continue broadcasting in the country. The broadcaster also could be subject to restrictions on the number of households receiving its programming, or be fined up to \$54,797 (SD100,000). In October a foreign journalist based in the country initially had trouble getting a work visa renewed due to what was deemed "unfriendly" reporting. However, the journalist subsequently was able to get the visa renewed and remained in the country at year's end.

During the last decade, opposition politicians J.B. Jeyaretnam, Chee Soon Juan, and Tang Liang Hong have been sued for defamation by ruling party leaders. Jeyaretnam and Chee have been sued for defamation several times, which the Government argues has occurred because they repeatedly have defamed ruling party leaders (who then act to clear their names). Critics charge that government leaders use defamation lawsuits or the threat of such actions to discourage public criticism and intimidate opposition politicians and the press. The unbroken success of government leaders' suits has fostered caution about political speech among the public and a culture of self-censorship within the news media and has demonstrated the danger of engaging in opposition politics. During the year, Senior Minister Lee Kuan Yew and Prime Minister Goh Chok Tong sued opposition leader Chee Soon Juan for defamation based upon comments Chee made during a campaign stop before the November 3 general election. During the campaign, Chee issued a public apology and countersued the Senior Minister for calling him a "liar" and a "cheat." These suits were pending before the courts at year's end. In July J.B. Jeyaretnam, an opposition nonelected Member of Parliament (M.P.) from the Worker's Party (WP), lost an appeal and was declared bankrupt for failure to pay the defamation damages ordered against him in earlier years; the bankruptcy judgment stemmed from an article in a WP publication. The declaration of bankruptcy also caused Jeyaretnam to lose his parliamentary seat (see Section 3). During the year, Senior Minister Lee Kuan Yew and six other ruling party figures renewed separate defamation suits against opposition member of Parliament J.B. Jeyaretnam for remarks he made during the 1997 election campaign; those same remarks were the basis for a 1998 judgment in favor of the Prime Minister. Jeyaretnam lost an appeal to have the suits dismissed due to the length of time since 1997, when the plaintiffs originally filed notice of intent to sue.

The Singapore Broadcasting Authority (SBA) censors broadcast media and Internet sites. The Ministry of Information and the Arts (MITA) censors all other media, including movies, video materials, computer games, and music. Both SBA and MITA develop censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the ban, seizure, censorship, or restriction of written,

visual, or musical materials by these two agencies if they determine that such materials threaten the stability of the State, are pro-Communist, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. Polls indicate that there is strong public support for continued censorship of sex and violence in films. There is a list of banned films, which is not made public. Certain films that might be barred from general release may be allowed limited showings, either censored or uncensored, with a special rating.

The list of banned English-language publications consists primarily of sexually oriented materials, but also includes some religious and political publications. In May, singer Janet Jackson's album "All for You" was banned officially by the Ministry of Information and the Arts due to the sexually explicit lyrics of one of its tracks; Jackson declined to delete the track from the album. The ban was upheld over an appeal submitted by the local distributor.

The Films Act bans political advertising using films or videos, as well as "films directed towards any political end." In June police warned three lecturers at a local university that a documentary they made about opposition politician J.B. Jeyaretnam may have violated the Films Act. The three were told that they could be charged in court if they went ahead with a planned screening of the film at the Singapore International Film Festival. They submitted written apologies for making the film and withdrew it from the Festival. The Government justified the ban as protecting politics from sensationalism, innuendo, and inaccuracy, but one effect is to restrict further an already limited range of what was deemed acceptable political discourse (see Section 3). Restrictions strictly control the types of campaign materials that may be distributed by or about candidates and parties during an election. During the 1997 election, authorities required two opposition parties to remove information on candidates from their Web sites, because regulations did not provide for Internet distribution of campaign materials. In August the Government amended the Parliamentary Elections Act to allow political parties to place some election materials on the Internet, while prohibiting nonparty Web sites from campaigning for candidates. Implementing regulations, which spell out more clearly what is permitted and prohibited, were promulgated in October. Opposition politician Chee Soon Juan alleged in 1999 that prominent bookstores, pressured by the Government, refused to carry copies of a book he authored. He also alleged that, after his book was printed in Malaysia, the Government would not allow its import. The Government stated that these allegations were false and that the book never had been denied entry into the country.

The SBA regulates access to material on the Internet, using a framework of Web site licenses to encourage accountability and responsible use of the Internet. It also regulates Internet material by licensing Internet service providers who install "proxy servers" through which local users must route their Internet connections. Such services act as a filter for content that the Government considers objectionable and can even block access to certain sites. While the Government does not consider regulation of the Internet to be censorship, the SBA directs service providers to block access to Web pages that, in the Government's view, undermine public security, national defense, racial and religious harmony, and public morals. The SBA is believed to have ordered the blocking of approximately 100 specific Web sites, most or all of which the Government considered pornographic. A SBA Internet Code of Practice further specifies what types of material are forbidden and specifies the responsibilities of Internet providers. The SBA has stated that it has no intention of monitoring Internet or electronic mail use but intends to block access to material that contains pornography or excessive violence or that incites racial or religious hatred.

In July the SBA ordered Sintercom, which ran an online discussion forum that included some political postings, to register with the authorities as a "political" Web site. Once registered as a political Web site, an entity may face sanctions, including fines, if it violates the SBA's Code of Practice. After an unsuccessful appeal, Sintercom complied with the request. Soon thereafter, the founder and sponsor of the site shut it down, citing fatigue after 7 years on the job.

All public institutions of higher education and political research institutions are linked closely to the Government. Although faculty members technically are not government employees, in practice they are subject to potential government influence. Academics speak and publish widely, and engage in debate on social and political issues. However, they are aware that public comments outside the classroom or academic publications that venture into the prohibited areas—criticism of political leaders or sensitive social and economic policies, or comments that might disturb ethnic or religious harmony or that appear to advocate partisan political views—could sub-

ject them to sanctions. Publications by local academics and members of research institutions rarely deviate substantially from government views.

b. Freedom of Peaceful Assembly and Association.—The Constitution grants citizens the right of peaceful assembly but permits Parliament to impose restrictions “as it considers necessary or expedient” in the interest of security, and the Government restricts this right in practice. Assemblies of more than five persons in public, including political meetings and rallies, must have police permission (see Section 2.a). Spontaneous public gatherings or demonstrations virtually are unknown. The Government closely monitors political gatherings regardless of the number of persons present. Persons who wish to speak at a public function, excluding functions provided by or under the auspices of the Government, must obtain a public entertainment license from the police. However, new regulations effective in March exempted some cultural events (such as Chinese operas or lion dances) from obtaining permits, substituting a requirement for 7 days advance notification to police. In the past, opposition politicians routinely experienced delays before being notified of decisions on their applications, although the Government claims that the delays came only when the applications were submitted late.

In April the Government approved an application by a nongovernmental organization (NGO) to hold an open air rally to raise money to help opposition politician J.B. Jeyaretnam pay off his defamation suit debts. Police initially had rejected the request until organizers hired private security guards to assist with crowd control. In August police informed the opposition Singapore Democratic Party (SDP) that it would have to meet similar requirements for crowd control before authorities would approve a rally to be held at an outdoor stadium. After initially declining to comply with these requirements, on the grounds that they were expensive and burdensome, the SDP hired the guards and held its rally in mid-September.

In May 2000, authorities denied approval for a forum on gays and lesbians, citing the illegality of homosexual acts. In December 2000, police arrested and charged 15 Falun Gong adherents for conducting a protest without a permit; 2 of those arrested were citizens. The 15 persons arrested had participated in an assembly of 60 Falun Gong members who sought to draw attention to the arrest and killing of Falun Gong members in China. The group had not sought a permit, asserting that police had not responded to their previous efforts to obtain permits; the authorities stated that these assertions were untrue. In March seven of the group were sentenced to 4 weeks in jail for refusing to hand over placards to the police. The other eight, who were charged with assembling without a permit, were fined \$540 each (S\$1000). Of the six PRC nationals who were imprisoned, authorities later cancelled the immigration status of five, including one permanent resident, and required them to depart the country; the remaining PRC citizen already had departed the country.

The Constitution provides for freedom of association but permits Parliament to impose restrictions that “it considers necessary or expedient” in the interest of security, and the Government restricts this right in practice. Most associations, societies, clubs, religious groups, and other organizations with more than 10 members must be registered with the Government under the Societies Act. The Government denies registration to groups that it believes are likely to have been formed to assemble for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. The Government has absolute discretion in applying this broad, vague language to register or dissolve societies. The Government prohibits organized political activities except by groups registered as political parties or political organizations. This prohibition limits opposition activities, and, along with other factors, contributes to restrict the scope of unofficial political expression and action (see Section 3). The prohibition affects the PAP less because of its long domination of the Government and its overwhelming parliamentary majority; the PAP is able to use non-political organizations such as residential committees and neighborhood groups for political purposes far more extensively than can opposition political parties. In March two NGO’s that often took positions critical of the government were declared political organizations. Political parties and organizations are subject to strict financial regulations, including a ban on receiving foreign donations.

There are few NGO’s, apart from ostensibly nonpolitical organizations such as religious groups, ethnically affiliated organizations, and providers of welfare services. The limiting effect of the law on the formation of publicly active organizations is, in large part, responsible for this situation.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government bans some religious groups. The Constitution provides that every citizen or person in the country has a constitutional right to profess, practice, or propagate his religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

There is no state religion. However, all religious groups are subject to government scrutiny and must be registered legally under the Societies Act. The Maintenance of Religious Harmony Act (MRHA), which was prompted by actions that the Government perceived as threats to religious harmony, including aggressive and "insensitive" proselytizing and the "mixing of religion and politics," gives the Government the power to restrain leaders and members of religious groups and institutions from carrying out political activities, "exciting disaffection against" the Government, creating "ill-will" between religious groups, or carrying out subversive activities. Violation of a restraining order issued under the MRHA is a criminal offense. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from it.

The Government plays an active but limited role in religious affairs. It does not tolerate speech or actions, including ostensibly religious speech or actions, which affect racial and religious harmony, and sometimes issues restraining orders barring persons from taking part in such activities. The Presidential Council for Religious Harmony must review such orders and make recommendations to the President on whether to confirm, cancel, or alter a restraining order. The Presidential Council also examines all pending legislation to ensure that it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government also attempts to ensure that citizens have ready access to religious organizations that are associated traditionally with their ethnic groups by assisting religious institutions to find space in publicly subsidized housing, in which the great majority of citizens live. The Government maintains a semiofficial relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community's concerns and has some regulatory authority over Muslim religious matters. The Government provides some financial assistance to build and maintain mosques.

Under the Societies Act, the Government has banned meetings of Jehovah's Witnesses and the Unification Church. The Government deregistered and banned Jehovah's Witnesses in 1972 on the grounds that its approximately 2,000 members refuse to perform military service (which is obligatory for all male citizens), salute the flag, or swear oaths of allegiance to the State. The Government regards such refusals as prejudicial to public welfare and order. While the Government has not outlawed the profession or propagation of the beliefs of Jehovah's Witnesses and does not arrest members merely for being believers, the result of deregistration has been to make meetings of Jehovah's Witnesses illegal. The Government also has banned all written materials published by the Jehovah's Witnesses' publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. In practice this has led to the confiscation of Bibles published by the group, even though publishing Bibles has not been outlawed. A person in possession of banned literature can be fined up to \$1,100 (SD2,000), and for holding a meeting a person can be fined up to \$2,200 (SD4,000). During the year, two persons were arrested for possession of banned Jehovah's Witness literature but were released by authorities without formal charges being filed.

Since the beginning of 2000, public secondary schools have suspended indefinitely 12 students who were members of Jehovah's Witnesses for refusing to sing the national anthem or participate in the flag ceremony. In April one long time public school teacher who is a Jehovah's Witness resigned after being threatened with dismissal (and disciplinary action) for refusing to participate in singing the national anthem.

The Holy Spirit Association for the Unification of World Christianity, also known as the Unification Church, was dissolved in 1982 by the Minister for Home Affairs. Missionaries, with the exception of members of Jehovah's Witnesses and representatives of the Unification Church, are permitted to work and to publish and distribute religious texts. However, while the Government does not prohibit evangelical activities in practice, it discourages activities that might upset the balance of intercommunal relations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants citizens the right to move freely throughout the country; however, while the Government generally respects this right in practice, it limits it in a few respects. For example, citizens' choice of where to live may be limited by the Government's policy of assuring ethnic balance in publicly subsidized housing, in which the great majority of citizens live (see Section 1.f.). The Government requires all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and has done so in the case of former ISA detainees. Under the ISA, a detainee's movement may be restricted, although this provision normally is a part of the

process of relaxing the conditions of detention and has been used very seldom in recent years.

The right of voluntary repatriation is extended to holders of national passports. The Government actively encourages citizens living overseas to return home or at least to maintain active ties with the country. A provision of law for the possible loss of citizenship by citizens who reside outside the country for more than 10 years consecutively seldom is used.

Male citizens who still have national service reserve obligations (normally until age 40 for enlisted men and age 50 for officers) must advise the Ministry of Defense if they plan to travel abroad for less than 6 months and must receive an exit permit for trips over 6 months. During the year, the Government significantly relaxed the regulations governing international travel prior to enlistment by boys aged 11 and above. Boys aged 11 to 16½ years are allowed passports that are valid for 2 years and no longer are required to obtain exit permits. After the age of 16½ until the age of enlistment, male citizens are granted 1-year passports and must apply for exit permits for travel that exceeds 3 months in duration.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the State's internal security. In addition the law requires them to submit to an interview by the Internal Security Department and to any restrictive conditions imposed on them.

The law does not include provision for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum. However, the authorities usually permit persons who make claims for asylum to have their status determined by the U.N. High Commissioner for Refugees (UNHCR) for possible resettlement elsewhere. There were no reports that persons were returned to a country where they feared persecution. A small number of ethnic Chinese persons from Indonesia often enter the country as visitors for temporary stays during episodes of racial or religious strife in that country.

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

The Constitution provides citizens with the right to change their government peacefully through democratic means. Opposition parties are free to contest elections, and the voting and vote-counting systems are fair and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for more than 3 decades, uses the Government's extensive powers to place formidable obstacles in the path of political opponents. A general election was held on November 3, after the Prime Minister requested that Parliament be dissolved on October 18, more than 6 months before the end of its full term. The opposition contested only 29 of 84 seats and won only 2 seats. There were no opposition allegations of irregularities in the casting or counting of votes in the election. Nonetheless, the opposition continued to criticize what it describes as the long-ruling PAP's abuse of its incumbency advantages to extensively handicap opposition parties. The PAP has maintained its political dominance in part by developing voter support through effective administration and its record in bringing economic prosperity to the country, and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing the bounds of legitimate political discourse and action. It intimidates the members of the opposition through the threat of libel suits and the subsequent loss of their political future, since large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The belief that the Government may directly or indirectly harm the employment prospects of opposition supporters curtails opposition political activity; however, there were few allegations of such retaliation. As a result of these and other factors, opposition parties have been unable to challenge seriously the PAP's domination of the political system. The PAP claims that the lack of an effective opposition is due to disorganization, lack of leadership, and lack of persuasive alternative policies.

The country has a parliamentary system in which the majority party in Parliament has the authority to constitute the Government, which is headed by a prime minister. The parliamentary term is for no more than 5 years after the first sitting of Parliament following a general election. Parliament may be dissolved before the 5 years are up by presidential proclamation, which normally follows a request by the Prime Minister. Elections must be held within 3 months of Parliament's dissolution. Following the November 3 elections, the PAP held 82 of 84 elected seats; the opposition Singapore People's Party and the Workers' Party each held 1 seat. A con-

stitutional amendment assures at least three opposition members in Parliament even if fewer than three actually are elected. Based on this provision, Workers' Party leader J.B. Jeyaretnam held a "nonconstituency" seat in Parliament until July, when he was declared bankrupt (see Section 2.a.). Following the November 3 elections, the Government allotted a nonconstituency seat to Singapore Democratic Alliance candidate Steve Chia, the opposition candidate who obtained the highest share of the vote in a constituency without winning a seat. In addition, the Government nominates and the President appoints "prominent citizens" to serve as Nominated Members of Parliament (N.M.P.'s) for 2-year terms. Nine N.M.P.'s sat in Parliament prior to its dissolution in October. Nonconstituency members' and N.M.P.'s voting rights are restricted.

The PAP has an extensive grassroots system and a carefully selected, highly disciplined membership, including M.P.'s who maintain close contact with their constituents and who deliver effective government services. The recent development of government-organized and predominantly publicly funded Community Development Councils (CDC's) to promote community development and cohesion and to provide welfare and other assistance services strengthens the PAP, which dominates these CDC's even in opposition-held constituencies. The PAP has used the threat to withdraw benefits as a means of assuring popular support. For example, during the last two election campaigns, the Prime Minister and other senior government officials pointedly warned voters that precincts that elected opposition candidates would have the lowest priority in government plans to upgrade public housing facilities. This threat heightened concerns among some observers about voters' genuine freedom to change their government.

The PAP also maintains its complete control of the political process by other means, including patronage, strong political influence over the press and reported influence over the courts, and restrictions on opposition political activities. Often these means are fully consistent with the law and the normal prerogatives of government, but the overall effect (and, many argue, ultimate purpose) is to disadvantage and weaken the political opposition. For example, the Government altered the boundaries of election districts only 17 days before the November 3 general election. The electoral map was altered dramatically, with some constituencies abolished and many other constituency borders moved. Since 1988 it has changed all but nine single-seat constituencies into group representational constituencies (GRC's) of three to six parliamentary seats, in which the party with a plurality wins all of the seats. According to the Constitution, such changes are permitted to ensure ethnic minority representation in Parliament, because each GRC candidate list must contain at least one Malay, Indian, or other ethnic minority candidate. However, these changes made it more difficult for opposition parties, all of which have very limited memberships, to fill multimember candidate lists, especially when one member must be an ethnic minority. The PAP does not suffer from this disadvantage.

Although political parties legally are free to organize, they operate under the same limitations that apply to all organizations, and the authorities impose strict regulations on their constitutions, fundraising, and accountability (see Section 2.b.). Government regulations hinder attempts by opposition parties to rent office space in government housing or to establish community foundations. In addition government influence extends in varying degrees to academic, community service, and other NGO's.

The Films Act bans political films and recorded televised programs, which puts opposition parties at a disadvantage. The ban, which ostensibly is to prevent the sensationalist or emotional effect that video or film productions could have on political issues, applies to the PAP as well as opposition parties. Nonetheless, it has the effect of denying opposition parties, which already receive far less coverage than does the PAP in the government-influenced press and media, a potential outlet for their political messages (see Section 2.a.). The ability of political parties and others to use the Internet for political purposes during election campaigns is limited by a law passed in Parliament in August (see Section 2.a.).

The threat of civil libel or slander suits, which government leaders often use against political opponents and critics, and consistently win, continued to have a stifling effect on the full expression of political opinion and to disadvantage the formal political opposition (see Section 2.a.). Large judgments in libel suits can lead to bankruptcy, and under the law bankrupt persons are ineligible to sit in Parliament. The Penal Code also provides for criminal defamation offenses; however, there were no reports that it was used for political purposes during the year.

In July J.B. Jeyaretnam, an opposition nonelected M.P. from the WP lost an appeal in a defamation suit and was declared bankrupt for failure to pay the damages awarded against him in previous years. As a result of the bankruptcy declaration, Jeyaretnam also lost his parliamentary seat. The bankruptcy judgment stemmed

from an article in a WP publication that criticized the organizers of Tamil Week, an event that promoted the use of the Tamil language. Jeyaretnam also owes other PAP-linked politicians, including the Prime Minister and Foreign Minister, portions of defamation damages from previous cases. He likely will be required to discharge all of these debts before the bankruptcy order against him is lifted. During the year, Senior Minister Lee Kuan Yew and six other ruling party figures renewed separate defamation suits against opposition member of Parliament J.B. Jeyaretnam for remarks he made during the 1997 election campaign; those same remarks were the basis for a 1998 judgment in favor of the Prime Minister. Jeyaretnam lost an appeal to have the suits dismissed due to the length of time since the remarks were made.

In the past, the Government also has used parliamentary censure or the threat of censure to humiliate or intimidate opposition leaders. Government entities also have used libel or slander suits, and dismissal from positions in government-related entities, to intimidate prominent opposition politicians.

The Government also has placed significant obstacles in the way of opposition political figures' candidacy for the presidency, a largely ceremonial position that nonetheless has significant budget oversight powers, as well as some powers over civil service appointments and internal security affairs. For example, opposition members are much less likely to be able to satisfy the requirement that they have experience in managing the financial affairs of a large institution, since many of the country's large institutions are government-run or linked to the Government. In the 1999 presidential election, only the Government's candidate was ruled in compliance with all the legal requirements; therefore in accordance with the law, actual voting was canceled, and S.R. Nathan was declared the duly elected President. Opposition political figures have claimed that such strict compliance requirements weaken opposition parties.

There is no legal bar to the participation of women in political life; however, the percentage of women in government and politics does not correspond to their percentage of the population. Women hold 10 of the 84 elected parliamentary seats. There are no female ministers.

There is no restriction in law or practice against minorities voting or participating in politics; they actively participate in the political process and are well represented throughout the Government, except in some sensitive military positions. Malays make up about 15 percent of the general population and hold about the same percentage of regularly elected seats in Parliament. Indians make up about 7 percent of the general population and hold about 10 percent of the regularly elected seats in Parliament. Minority representation in Parliament is, in part, the result of a legal requirement that candidate slates in every multi-seat constituency must have at least one minority representative.

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

Efforts by independent organizations to investigate and evaluate government human rights policies face the same obstacles as those faced by opposition political parties. A handful of domestic nongovernmental organizations criticize restrictions on human rights or suggest changes that would relax or remove restrictions. NGO's are subject to registration, and thus control by the Government, under the Societies Act (see Section 2.b.). Two organizations that criticized the Government on human rights grounds were declared "political" organizations by the Government in March, but their operations were unaffected (see Section 2.b.).

In recent years, the Government has permitted international human rights organizations to observe human rights related court cases. In 1997 and 1999, the Government permitted both Amnesty International and the International Commission of Jurists (ICJ) to observe legal proceedings against two opposition politicians. The ICJS and Amnesty International's criticisms of these cases were reported fully in the local press, and the Government responded vigorously in the press, alleging bias and citing alleged factual errors. In July opposition politician J.B. Jeyaretnam's bankruptcy appeal was witnessed by a Canadian observer, who acted as a representative of both Amnesty International and the Lawyers' Rights Watch in Canada.

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

The Constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government carries out these provisions in practice. The Constitution contains no explicit provision providing equal rights for women and minorities. Mindful of the country's history of intercommunal tension, the Government takes affirmative measures to ensure racial, ethnic, religious, and

cultural nondiscrimination. Social, economic, and cultural benefits and facilities are available to all citizens regardless of race, religion, or sex.

Women.—It does not appear that violence or abuse against women is a widespread problem. The Penal Code and the Women's Charter criminalize domestic violence and sexual or physical harassment. A victim of domestic violence can obtain court orders barring the spouse from the home until the court is satisfied that the spouse has ceased his aggressive behavior. Court orders for protection against violent family members have increased in recent years, in part because the definition of violence includes intimidation, continual harassment, or restraint against one's will. The Penal Code prescribes mandatory caning and a minimum imprisonment of 2 years for conviction on a charge of "outraging modesty" that causes the victim fear of death or injury. The press gives fairly prominent coverage to instances of abuse or violence against women. There are several organizations that provide assistance to abused women. The Association of Women for Action and Research (AWARE) has a hot line that offers counseling and legal advice. The Family Protection and Welfare Service, an office of the Ministry of Community Development and Sports, documents physical and psychological abuse, and provides counseling and legal services to abused women. In July 1999, the Council of Women's Organizations established a crisis center for abused persons. The Star shelter accepts children, women, and men, and can accommodate up to 30 persons. The Government actively enforces the law against rape, which provides for imprisonment of up to 20 years and caning for offenders. Under the law, rape only can be committed by a man, and spousal rape is not a crime.

Prostitution is legal. Prostitutes are required to undergo periodic health checks and to carry a health card. Public solicitation, living on the earnings of a prostitute, and maintaining a brothel are illegal. The authorities periodically carry out crackdowns on solicitation for prostitution, and arrest and deport foreign prostitutes, particularly when their activities take place outside of informally designated red light areas. Sexual intercourse with girls under the age of 16 is illegal. There is no evidence that child prostitution is a problem.

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

Women enjoy the same legal rights as men in most areas, including civil liberties, employment, commercial activity, and education. The Women's Charter gives women, among other rights, the right to own property, conduct trade, and receive divorce settlements. Muslim women enjoy most of the rights and protections of the Women's Charter. For the most part, Muslim marriage law falls under the administration of the Muslim Law Act, which empowers the Shari'a court to oversee such matters. Those laws allow Muslim men to practice polygyny, although requests to take additional spouses may be refused by the Registry of Muslim Marriages, which solicits the views of an existing spouse or spouses and reviews financial capability. Both men and women have the right to unilateral divorce; however, women face significant difficulties in initiating unilateral divorce proceedings, which often prevents them from pursuing proceedings.

Women constitute 42 percent of the labor force and are well represented in many professions but hold few leadership positions in the private sector. They still hold the preponderance of low-wage jobs such as clerks and secretaries. The average salary of women is 72 percent of that of men (compared with 68 percent 10 years ago). Observers note that the wage differential is smaller in professional jobs and attribute much of the overall wage disparity to average lower educational qualifications by women, and to fewer years of job experience by women due to family commitments, rather than discrimination. There are no specific laws prohibiting stalking or sexual harassment. However, other laws, such as those prohibiting insulting modesty and the Miscellaneous Offences Act, successfully are used to prosecute these two offenses. Sexual harassment does not appear to be a widespread problem.

Some areas of discrimination remain. Children born overseas to female citizens are not granted citizenship automatically, while those of male citizens are. Beginning in 2000, female citizens became able to sponsor their noncitizen husbands for citizenship. Female civil service employees who are married do not receive health benefits for their spouses and dependents as do male government employees.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Access to public education and medical care is equal for all children. In 2000 the Government enacted legislation that would make 6 years of education in public schools compulsory by 2003. Although school attendance has not been compulsory, virtually 100 percent of children are enrolled through grade 6, and the dropout rate for secondary school is low. The Children and Young Persons Act establishes protective services for orphaned, abused, disabled, or troubled children, and creates a juve-

nile court system. The Ministry of Community Development works closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operate most of the homes for children, while the Government funds up to 50 percent of all child costs, which include normal living expenses and overhead, as well as expenses for special schooling, health care, or supervisory needs.

There is no societal pattern of abuse of children.

The Ministry for Community Development and Sports sponsors activities promoting children's causes, including family stability. This agency, along with several NGO's, particularly focuses on keeping fathers involved in their children's lives and on preventing child abuse.

Persons with Disabilities.—The Government maintains a comprehensive code on barrier-free accessibility, which establishes standards for facilities for the physically disabled in all new buildings and mandated the progressive upgrading of older structures. Although there is no legislation that addresses the issue of equal opportunities for persons with disabilities in education or employment, the National Council of Social Services, in conjunction with various voluntary associations, provides an extensive job training and placement program for the disabled. Informal provisions in education have permitted university matriculation for visually impaired, deaf, and physically disabled students. The Government allows a tax deduction of up to \$1,900 (SD 3,500) per individual for families with a disabled family member. Mental and physical disabilities are treated in the same way. Press coverage of the activities and achievements of the disabled is extensive, and discrimination or abuse of persons with disabilities does not appear to be a problem.

National/Racial/Ethnic Minorities.—Ethnic Malays constitute approximately 15 percent of the total population. The Constitution acknowledges them as “the indigenous people of Singapore” and charges the Government to support and promote their political, educational, religious, economic, social, cultural, and language interests. The Government has taken steps to encourage greater educational achievement among Malay students as a key to economic advancement. While progressing, ethnic Malays have not reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remain underrepresented at senior corporate levels, and, some have claimed, in certain sectors of government and the military. This reflects their historically lower education and economic position, but some argue that it also is a result of employment discrimination. During 1999 there was great debate over the fact that advertisements often specify ethnicity and gender requirements or require fluent Mandarin speakers. The Government responded by issuing “guidelines” that called for eliminating language referring to age, gender, or ethnicity; restrictive language that referred to attributes relevant to a job, such as “Chinese speaker” or “physically strong” remains acceptable. These guidelines generally are obeyed.

The Presidential Council on Minority Rights examines all pending bills to ensure that they are not disadvantageous to a particular group. It also reports to the Government on matters affecting any racial or religious community and investigates complaints.

The Government enforces ethnic ratios for publicly subsidized housing, where the majority of citizens live and own their own units, a policy designed to achieve an ethnic mix more or less in proportion to that in the society at large.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to form associations, including trade unions; however, Parliament may impose restrictions based on security, public order, or morality grounds. The right of association is delimited by the Societies Act and by labor and education laws and regulations. Under these laws, any group consisting of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions, such as prohibitions on the unionization of uniformed employees. According to government statistics, the national labor force is made up of approximately 2.2 million workers, approximately 350,000 of whom are represented by 72 unions. Almost all of the unions (which represent virtually all of the union members) are affiliated with the National Trades Union Congress (NTUC), an umbrella organization that has a close relationship with the Government.

The NTUC unabashedly acknowledges that its interests are closely linked with those of the ruling PAP, a relationship often described by both as “symbiotic.” The NTUC secretary general (SG), Lim Boon Heng, a PAP M.P., is a member of the Cabinet as Minister in the Prime Minister's Office. It is common for young PAP M.P.'s to be given leadership positions in the NTUC or a member union. NTUC policy prohibits union members who actively support opposition parties from holding office in

affiliated unions. While the NTUC is financially independent of the PAP, with income generated by NTUC-owned businesses, the NTUC and the PAP share the same ideology and work closely with management in support of nonconfrontational labor relations.

Workers, other than those in essential services, have the legal right to strike but rarely do so. There are no specific laws that prohibit retaliation against strikers. The law provides that, in order to strike, unionized workers must first obtain a majority vote in favor of the strike by secret ballot. No strikes have occurred since 1986. Most disagreements are resolved through informal consultations with the Ministry of Manpower. If conciliation fails, the disputing parties usually submit their case to the Industrial Arbitration Court, which has representatives from labor, management, and the Government. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the Government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full-employment economy. In addition the widely held view that labor conflict would undermine the country's economic competitiveness and attractiveness to investors, and a cultural aversion to confrontation help to maintain a harmonious labor situation.

The NTUC is free to associate regionally and internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is a normal part of labor-management relations in the industrial sector. Agreements between management and labor are renewed every 2 to 3 years, although wage increases are negotiated annually. Yearly guidelines on raises and bonus pay issued by the National Wages Council (NWC), a group composed of labor, management, and government representatives, serve as the starting point for bargaining agreements. In 1999 in response to the economic downturn, the Government adopted an NWC proposal in which, subject to negotiation in each enterprise, up to 10 percent of salaries would be considered "variable" each month, allowing companies to eliminate that portion of pay if financial problems necessitated it.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including forced and bonded labor by children, and generally enforces this provision effectively. Under sections of the Destitute Persons Act, any indigent person may be required to reside in a welfare home and engage in suitable work. The International Labor Organization (ILO) has criticized the coercive terms of this act, which includes penal sanctions, as not in compliance with the ILO Convention on Forced Labor. The Government maintains that the act is social legislation that provides for the shelter, care, and protection of destitute persons, and that work programs are designed to reintegrate individuals into society.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government enforces the Employment Act, which prohibits the employment of children under the age of 12. Restrictions on the employment of children between the ages of 12 and 16 are rigorous and enforced fully. Children under the age of 14 are prohibited from employment in any industrial undertakings. Exceptions include family enterprises; children may work in an industrial undertaking in which only members of the same family are employed. A child who is 12 years old or older may be engaged in "light work suited to his capacity." A medical officer must certify suitability for such light work. Employers must notify the Commissioner of Labor within 30 days of hiring a child between the ages of 14 and 16 and must attach medical certification of fitness for employment. The incidence of children taking up permanent employment is low, and abuses are almost nonexistent. The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than 7 hours a day, including the hours spent in school. Children may not work on commercial vessels, with any machinery in motion, on live electrical apparatus lacking effective insulation, or in any underground job. The Minister of Manpower effectively enforces these laws and regulations.

The Government ratified ILO Convention 182 on the worst forms of child labor in June.

e. Acceptable Conditions of Work.—There are no laws or regulations on minimum wages or unemployment compensation. However, the National Wages Council, a tripartite body consisting of government, labor, and business, monitors the economy and makes annual recommendations to the Government concerning wage guidelines. The labor market offers good working conditions and relatively high wages, which provide a decent standard of living for a worker and family.

The Employment Act sets the standard legal workweek at 44 hours and provides for 1 rest day each week.

The Ministry of Manpower effectively enforces laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have been implemented to reduce the frequency of job-related accidents. While a worker has the right under the Employment Act to remove himself from a dangerous work situation, his right to continued employment depends upon an investigation of the circumstances by the Ministry of Manpower.

Because of a domestic labor shortage, approximately 600,000 foreign workers are employed legally, constituting about 30 percent of the total work force. There are no reliable estimates of the number of foreigners working illegally. Most foreign workers are unskilled laborers and household servants from other Asian countries. Foreign workers face no legal wage discrimination. However, they are concentrated in low-wage, low-skill jobs and often are required to work long hours. Most foreign construction workers live on-site in substandard conditions. Although the great majority of the more than 100,000 maids (mainly from the Philippines, Indonesia, and Sri Lanka) work under clearly outlined contracts, their low wages, their dependence on their employers for food and lodging, and the fact that they often live and work relatively isolated from the rest of society make them vulnerable to mistreatment and abuse. A 1998 amendment to the Penal Code, in response to a reported increase in cases of maid abuse, increased the punishment for confining or sexually or physically abusing a maid. The authorities have fined or imprisoned employers who have abused domestics, often with great publicity. Substantiated cases of abuse of foreign domestics fell by almost half following the amendment, from 157 cases in 1997 to 89 in 1998. In 2000 there were 87 cases, and there were 49 cases from January to July.

Most maids work 6 days per week from very early morning until late in the evening. Many contracts allow only 1 day off per month. Contracts often stipulate that, even when she is ostensibly not working, a maid must remain on the premises except for official duties or on her day off. According to Ministry of Manpower Statistics, wages average approximately \$250 (SD456) per month (not including free room and board). Maids often must put aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage workers stipulate the cancellation of such permits if workers apply to marry or marry a citizen or permanent resident.

Many lower paid foreign workers not covered under the Employment Act are ineligible for the limited free legal assistance that is available to citizens. However, the Ministry of Manpower also offers mediation services for all employees, foreign or local. The Government allows complainants to seek legal redress.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in persons is a problem. The country is a destination for trafficking in women for the purpose of prostitution, primarily from India but also from Thailand, China, Sri Lanka, Indonesia, Burma, Malaysia, and Colombia. Almost all foreign prostitutes reportedly are aware when they enter the country that they will be employed as prostitutes. However, some may have their passports held by employers after their arrival, or are subject to other coercive circumstances. In other cases, recruiters in source countries offer women jobs as maids, bar hostesses or waitresses, and sometimes offer up-front payment as inducement. Once in the country, these women are forced to work as prostitutes, and are subject to threats and violence if they resist. Employers may confiscate their passports, limiting opportunities to leave. Police reportedly conduct raids approximately once per month in an effort to maintain some control over the situation. While prostitution is legal, public solicitation is not, and police periodically carry out crackdowns on prostitutes, particularly those operating outside of informally designated red light areas (see Section 5). Foreign prostitutes, including trafficked victims, detained in these raids usually quickly are deported. Foreign prostitutes also are deported immediately if they test positive for HIV/AIDS or other sexually transmitted diseases. Authorities prosecute some cases of trafficking. In February a court jailed for 30 months a man who trafficked 10 women from Thailand, 6 from Vietnam, and 4 from China to be waitresses on a Singapore-based cruise ship. The young women were required to work as prostitutes on the ship after their arrival.

The three major laws that govern trafficking and prostitution are the Women's Charter, the Children and Young Person's Act, and the Penal Code. The law makes trafficking in women and children—whether or not it is related to prostitution—punishable by up to 5 years' imprisonment, a \$5,434 (SD10,000) fine, and caning. The Penal Code covers trafficking and wrongful constraint of men. Convicted traffickers would typically be found guilty of violating more than one law. There is no

specific campaign to combat or prevent the use of fraud or coercion to recruit foreign women as prostitutes, although some persons have been prosecuted and punished for crimes involving such acts.

The Government substantially strengthened penalties against employers who abuse domestics in 1998, and vigorously prosecutes cases of abuse. In practice, successful investigation and prosecution of such cases require that victims remain in the country. The Government requires them to remain in the country until and while the case is prosecuted. Victims do not receive government assistance during this period or at other times, and sometimes state that they are unable to receive permission for alternative employment, leaving them dependent on support from the home country embassy. NGO's are not known to provide assistance to trafficking victims.

Religious organizations occasionally assist trafficking victims but are limited by the strict laws regarding immigration; there is a legal obligation to report to immigration authorities foreigners who have violated immigration laws. Victims' respective embassies often are the only avenue of assistance; however, embassies rarely are asked to provide assistance to nationals who have been arrested for prostitution. Some embassies find it difficult to ensure that victims' rights are addressed.

SOLOMON ISLANDS

The Solomon Islands has a modified parliamentary system of government consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. A new Parliament was elected in December with Allan Kemakeza as Prime Minister; elections were considered free and fair. In 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January 2000, Malaitan militants stole large quantities of weapons from the police and actively began to combat the Guadalcanalese. The conflict continued to escalate, and in June 2000, armed Malaitan militants, reportedly assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. Following their takeover of the capital, the Malaitan militants forced the then-Prime Minister, Bartholomew Ulufa'alu, to resign, and Parliament chose a new Prime Minister, Manasseh Sogavare, under duress. A new government, known as the Coalition for National Unity, Reconciliation, and Peace, was formed. The Government has sought to restore peace, but its success has been limited due to its weakness—both political and institutional—and the perception that its leaders are beholden to one of the conflicting parties. The judiciary is independent, but was hampered by police ineffectiveness, lack of resources, and threats against judges and prosecutors.

A police force of approximately 1,000 persons under civilian control is responsible for law enforcement, internal security, and border security. However, since the June 2000 takeover of Honiara by Malaitan militants, the police force has become factionalized and has not functioned as an effective institution. One faction, the paramilitary Police Field Force (PFF), primarily has been directed by militant Malaitans rather than the Police Commissioner. As many as 2,000 untrained former militants have been taken into the police force as "special constables;" the special constables operate under a loose command structure. Members of the PFF and the special constable group have engaged in criminal activities, including extortion, robbery, vehicle theft, intimidation, and fraud; these abuses were not sanctioned by police leadership.

Approximately 75 percent of the population of 480,000 engage to some extent in subsistence farming and fishing and have little involvement in the cash economy. The approximate per capita GNP is \$578 (2,890 Solomon Islands dollars). With the breakdown of law and order, the formal sector of the economy is on the brink of collapse. During the year, the Government became insolvent due to the collapse of export industries, the granting of duty remissions to associates of those in power, and misallocation of foreign assistance grants in fraudulent compensation payments to senior government officials and their supporters. Commercial export activities, which included some plantation production of copra, cocoa, and palm oil, a fish cannery, a gold mine on Guadalcanal, and small resort and diving enterprises, have ceased to operate; only the logging industry continued to operate, albeit at a reduced level. An estimated 20,000 to 30,000 persons fled their homes since 1999. Electricity and telecommunications services face severe difficulties. Power black-outs in the

capital, Honiara, were frequent in the last 3 months of the year due to ill-maintained generators and the Electricity Authority's inability to pay for fuel.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Basic individual rights are provided for in the Constitution, and until the eruption of armed conflict between Guadalcanalese and Malaitan militants in 2000, generally were respected by authorities, and were defended by an independent judiciary; however, the armed conflict between Malaitan and Guadalcanalese militants led to a serious deterioration in the human rights situation. Many current and former police officers, mostly believed to be from two national police units dominated by Malaitans, sided with armed Malaitan political groups; police and militants from both sides committed numerous human rights abuses in 2000, including killings, abductions, torture, rape, forced displacement, looting, and the burning of homes. The Government did not encourage any judicial or independent investigation of human rights abuses that occurred during the violence, contributing to a climate of impunity. In October 2000, representatives of the central Government, provincial governments, and the opposing armed militant groups signed a peace agreement, which, among other things, included a general amnesty for members of the police who committed criminal acts in the course of the armed conflict after June 5, 2000. In accordance with the agreement, a team of international observers has been in the country since November 2000 to verify that weapons were relinquished and to monitor implementation of the peace. The Red Cross and other volunteers are able to provide appropriate assistance to rural areas. All weapons were supposed to be surrendered, and shipping containers were placed at strategic locations throughout the country for depositing them. International Peace Monitoring Team members place the surrendered weapons in the containers and hold the keys. At year's end, while there had been no resumption of overt hostilities, hundreds of weapons had not been surrendered, and a stable peace had not been secured. Violence and discrimination against women continued to be problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Since June 5, 2000, the police forces effectively have been disarmed and the police no longer function on the islands of Malaita and Guadalcanal; local militia leaders control security. In May a police patrol boat fired upon a village on South Guadalcanal and killed several persons. The Government has not investigated the incident.

In March there were machine gun raids carried out by the police, using the patrol boat Lata against Guadalcanal leader Harold Ke'ke; there were unconfirmed reports of deaths from these attacks.

There were reports of at least eight politically motivated killings on Guadalcanal during the year; however, these were not confirmed, and purportedly they were committed by political rivals or local militants, not by government officials.

According to the previous Government, 75 percent of the country's 897 police officers in June 2000 were Malaitan. Many Malaitan police officers participated in abuses committed by Malaitan militants. In 1998 and 1999, when the police were battling the Guadalcanalese militants, police officers were involved in extrajudicial killings and unwarranted use of lethal force against civilians. In September 1999, several paramilitary police officers in a speedboat shot and injured a man near shore; they followed him onto the shore, dragged him back into the water, and reportedly beat him to death with a paddle. The Government has taken no action to address this case.

There also have been reports that police in some areas of Guadalcanal have declined to stop or investigate abuses by Guadalcanalese militants, have cooperated with them, or have fled from attacks by Guadalcanalese militants, in order to protect their own security. Displaced persons stated that they fled their homes in 2000 because they feared police operations as much as the activities of the Guadalcanalese armed groups.

Although violence diminished somewhat during the year, the Sogavare Government did little to investigate or prosecute those responsible for previous killings and other abuses, contributing to an atmosphere of impunity. There is almost no accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict.

There is no reliable estimate of the total number of civilians killed, missing or presumed dead as a result of attacks attributed to Malaitan and Guadalcanalese militants, although at least 25 persons, including several civilians, were reported killed between early June and early July 2000. In April 2000, unidentified gunmen

entered a village south of Honiara's international airport and shot three persons, including a 7-year-old boy and a 20-year-old man, as they tried to flee. In April 2000, a Guadalcanalese man reportedly was abducted by Malaitan militants in Honiara and taken to a nearby Malaitan militant camp, where he was beaten and hung by the ankles and wrists with wire. His body reportedly was found later in a Malaitan suburb of Honiara. In late June 2000, two Malaitan men were captured by Guadalcanalese militants outside Honiara. Subsequently, the men, who showed signs of beatings, were paraded through the captors' villages, killed, and buried. In July 2000, Malaitan militants forced their way into Honiara's central hospital and killed two Guadalcanalese militants who were being treated for wounds sustained in combat the previous day.

In June there was an unsuccessful attempt to kill the Guadalcanal Provincial Premier, Ezekiel Alebua. The attack allegedly was committed by Alebua's political rivals. Neither Malaitan militants nor government officials were implicated in the attack. The Government has not investigated the attack.

b. Disappearance.—There were no reports of politically motivated disappearances due to the actions of government officials. However, many Malaitan police officers, who joined the Malaitan militants, participated in disappearances allegedly committed by the militants in 1999 and 2000. Since the violence began in 1998, more than 50 persons have been abducted and possibly killed by militants. In early July 2000, Catholic catechist Juan Bosco disappeared in Honiara after allegedly being abducted by Malaitan militants and taken to a Malaitan camp. Several persons reported seeing him brutally beaten. In July 2000, Walter Tavai, a Guadalcanalese villager, reportedly was abducted from his home near Honiara by Malaitan militants and taken to a Malaitan militant camp. Witnesses state that he was beaten to death by militants at the camp; his body has not been found.

In January 2000, the Government formed a Committee on Missing Persons. However, its work was hampered by the reluctance of witnesses to come forward and by ongoing threats of violence. The Committee's final report and recommendations to the Government were submitted in April 2000; however, at year's end, they had not been made public. The committee did no significant work on missing persons during the year, and no action has been taken on its report.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—These practices are prohibited by law; however, there were numerous reports that police tortured and mistreated persons. In 2000 the police authorities dealing with complaints about official police behavior, including excessive use of force, ceased to function as the national police force generally disintegrated.

There were numerous reports of acts of torture and mistreatment attributed to both Malaitan and Guadalcanalese militants, and to members of the police, although there were fewer reported instances than in 2000.

In 2000 Honiara residents reported that it was common knowledge that abducted Malaitans had been taken to a camp widely known as a "panel beating shop" where Guadalcanalese militants beat them. The Malaitan encampment near Honiara, as well as the former Guadalcanal provincial government headquarters, also reportedly are used for the torture of captured Guadalcanalese and the punishment of Malaitans. Twenty homes were burned in Independence Valley, Honiara in late July 2000, according to press reports. This event followed the burning of homes in the Matanikau and Tasahe areas of Honiara. The Government has taken no action in any of these cases.

The only prison complex in use during the year was completed with the assistance of a foreign government. It provides separate facilities for short-, medium-, and long-term prisoners, as well as for juvenile offenders, and it generally meets international standards.

In June 2000, Malaitan militants closed the prison in Honiara following the escape of approximately 20 Guadalcanalese inmates and the subsequent release of all remaining prisoners by the Malaitans. Police have not attempted to recapture the inmates, some of whom reportedly joined the militants. The Government permits prison visits by human rights monitors. An International Committee of the Red Cross (ICRC) team in Honiara monitored the prisons regularly during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice. However, the work of the judiciary has been dramatically slowed by the conflict. Slow adjudication of the large number of cases before the courts has resulted in long delays before cases go to trial. This has meant that some prisoners have endured long periods of pretrial detention.

Militants from both sides arbitrarily have detained persons since June 2000; it is not known how many persons were arbitrarily detained during the year.

Forced exile is not practiced.

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 are hampered by a lack of resources and by threats against the lives of judges and prosecutors. During the year, the judicial system barely functioned.

The judicial system consists of a High Court and magistrates' courts. Accused persons are entitled to counsel. In 1999 the public solicitor, who is charged with providing counsel to persons who cannot afford a private attorney, reported that due to limited resources, his office could accept only those cases in which persons faced serious charges or those involving the protection of children; this situation continued during the year. The law provides for a judicial determination of the legality of arrests. Officials found to have violated civil liberties are subject to fines and jail sentences.

Judicial trial procedures normally operate in accordance with British law, with a presumption of innocence, right of appeal, access to attorneys, and the right to confront witnesses. However, during the year, the entire judicial system barely functioned.

There were no reports of political prisoners.

The Government has done little to investigate or prosecute those responsible for killings and other abuses, contributing to an atmosphere of impunity. There is an apparent lack of accountability for police officers involved in killings, and only one police officer has been charged and convicted in connection with events during the conflict (see Section 1.a.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respects these prohibitions in practice. However, with the breakdown of law and order in 2000, there was widespread looting and burning of homes in rural Guadalcanal, including by police (see Section 1.c.).

In 1999 and 2000, militants from all sides, motivated by resentment, retaliation, and criminal opportunism, forced long-time inhabitants from their homes. Many of those forced out were not affiliated with the respective militant movements, and some were not even members of the combating ethnic groups. The forced expulsions ended during the year, following the departure of virtually all non-Guadalcanalese citizens from the areas of Guadalcanal Province adjacent to Honiara; none have returned.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since ethnic conflict began in 1998, and continuing during the year, both Guadalcanalese and Malaitan militants have used excessive force and committed numerous abuses against civilians, at times aided by or permitted to function by the police. Militants have blocked the free and safe passage of relief supplies, food, and fuel, as well as access by humanitarian organizations to Guadalcanal. Red Cross volunteers and relief workers reported being threatened, harassed, even shot at by both Guadalcanalese and Malaitan militants, although the incidence of such attacks declined during the year. Red Cross and other volunteers were able to provide appropriate assistance in rural areas.

In May a police patrol boat fired upon a village on South Guadalcanal killing several persons.

In June 2000, Malaitan militants in a police patrol boat used a heavy machine gun to support an attack on Guadalcanalese positions, killing perhaps six Guadalcanalese militants. Following this action, the militants used the weapon to fire indiscriminately on civilian targets, far from the fighting. Since the violent phase of the conflict on Guadalcanal began in 1998, some 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadalcanal have been displaced from their homes (see Section 2.d.).

In 1999 there were reports that police killed noncombatants while shooting indiscriminately at villages.

In 2000 Amnesty International reported that Guadalcanalese militants included a number of child soldiers (see Sections 5 and 6.d.). These reports have not been confirmed or repeated.

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. During the year, print and broadcast media continued to operate on a regular basis.

The country's media consists of the Solomon Islands Broadcasting Corporation (SIBC), a statutory body that comes directly under the Prime Minister's office and whose radio broadcasts are heard throughout the country; two other AM stations; a privately owned FM radio station; and three privately owned weekly or semi-weekly newspapers. Given the high rate of illiteracy, the SIBC is more influential

than the print media. The Department of Information in the Prime Minister's office publishes a monthly newspaper, which is strongly progovernment. At least two nongovernmental organizations (NGO's) publish periodic news journals; their environmental reporting frequently is critical of the Government's logging policy and foreign logging companies' practices. A private company transmits one Australian television channel to the country. The system incorporates occasional government press conferences in its program.

During the year, militants occasionally threatened the print and broadcast media; however, no journalists were known to have been killed or injured.

Internet use is expanding, and a privately operated Internet café opened during the year; the Government does not limit or control access to the Internet.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and the Government generally respects this right in practice. Demonstrators must obtain permits, which generally are granted.

The Constitution provides for the freedom of association, and, in the past, this right generally was respected. However, in February 2000, the Government formally outlawed the Malaitan militant groups; Guadalcanalese militant groups were outlawed in 1999. This ban was suspended in May 2000; during the year, militant groups continued operations but at a reduced level of violence. Other groups associated freely, and a government oversight group, Civil Society, emerged during the year and criticized the Government (see Section 4).

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

In general the Government does not subsidize religion. Several schools and health services in the country were built by and continue to be operated by religious organizations. There are schools sponsored by Roman Catholics, the Church of Melanesia, the United Church (Methodist), the South Sea Evangelical Church, and Seventh-Day Adventists. Upon independence the Government recognized that it had neither the funds nor the personnel to take over these institutions and agreed to subsidize partially their operations. The Government also pays the salaries of most teachers and health staff in the national education system.

The Department of Home and Cultural Affairs has a nominal policymaking role concerning religion. It characterizes this role, on the one hand, as keeping a balance between constitutionally protected rights of religious freedom, free speech, and expression; and, on the other hand, maintenance of public order. All religious institutions are required to register with the Government; however, there is no evidence that registration has been denied to any group.

The public school curriculum includes 30 minutes daily of religious instruction, the content of which is agreed upon by the Christian churches; students whose parents do not wish them to attend the class are excused. However, the Government does not subsidize church schools that do not align their curriculums with governmental criteria. There is mutual understanding between the Government and the churches but no formal memorandum of understanding. Although theoretically non-Christian religions can be taught in the schools, there is no such instruction at present.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places no restrictions on the movement of citizens within or out of the country. However, the militants have demanded that the people indigenous to each island be given authority to determine who may or may not enter their island. Native-born citizens may not be deprived of citizenship on any grounds.

During the year, non-Guadalcanese, especially Malaitans, effectively were barred from entering Guadalcanal Province for fear of being attacked, while many non-Malaitans, especially Guadalcanalese, were afraid to enter Honiara.

Since the violent phase of the conflict on Guadalcanal began in 1998, an estimated 30,000 Malaitans, Guadalcanalese, and Western Province persons living on Guadalcanal have been displaced from their homes as a result of armed conflict and intimidation. The U.N. estimated that in 1999 some 15,000 to 20,000 Malaitans (20 percent of the population of Guadalcanal) were displaced, the majority of whom evacuated to Malaita, while as many as 12,000 Guadalcanalese fled their homes for other parts of that island. The Government provided very limited help to internally displaced persons, who generally relied on their extended families and subsistence farming for survival. The national Red Cross Society, funded by the European Union, provided some assistance.

Police on Malaita reportedly are unable to offer protection to displaced Malaitans on the island since Malaitan militants raided a police armory in January 2000, seized hundreds of weapons, and set up headquarters on the island. Malaitan militants reportedly have forced displaced Malaitan families to "contribute" money or

food to support the militants. Displaced persons on Guadalcanal also lack effective police protection, since most local police were evacuated as a result of Guadalcanalese militant raids in 1999.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted domestic legislation or procedures for making formal refugee determinations. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and the Red Cross in determining refugee status, and has not returned persons to a country where they fear persecution.

The issue of first asylum did not arise during the year. The Government provided first asylum to persons from Papua New Guinea's Bougainville Island, who fled the conflict that started there in 1989. Following the 1998 peace settlement, many have returned home. According to the UNHCR, fewer than 50 persons from Bougainville remained in the country who meet the criteria for refugee status.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Suffrage is universal for those 18 years of age and over. The Government is a modified parliamentary system consisting of a single-chamber legislative assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. The Prime Minister, elected by a majority vote of Parliament, selects his own Cabinet. Since independence in 1978, there have been six parliamentary elections, the latest in December, and several elections for provincial and local councils. National parliamentary elections held in December were regarded as free and fair. On four occasions, changes of government resulted from either parliamentary votes of no confidence or the resignation of the Prime Minister. However, in 1998 tensions between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—resulted in violence. Throughout 1999 Guadalcanalese militants forced thousands of Malaitans residing on Guadalcanal from their homes. Beginning in January 2000, Malaitan militants stole large quantities of weapons from the police and began actively to combat the Guadalcanalese. The conflict continued to escalate, and on June 5, 2000, armed Malaitan militants assisted by paramilitary police officers acting without authorization, took over Honiara, the capital. After the takeover, the Malaitan militants forced Prime Minister Bartholomew Ulufa'alu to resign. Parliament selected a new Prime Minister, Manasseh Sogavare, under duress. A new government, the Coalition for National Unity, Reconciliation, and Peace was formed after the new Prime Minister was selected. Since June 2000, the police have not operated as an effective force, and there is no governmental institution that can effectively address the ongoing violence.

The percentage of women in government and politics does not correspond to their percentage of the population. Traditional male dominance has limited the role of women in government. Although 15 women ran for Parliament in the December election, none was elected; no women were selected to be permanent secretaries in the new Government.

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

There are no restrictions on the formation of local organizations to monitor and report on human rights. The Solomon Islands Development Trust has both development and human rights objectives. The ICRC has an office in Honiara. The Government cooperated with human rights organizations to the best of its ability, and requested assistance from the U.N. High Commissioner for Human Rights in formulating policies to restore peace and justice.

Numerous domestic NGO's operate freely; most are engaged in developmental or religious activity. However, during the year, a variety of other NGO's and individual citizens established a separate NGO (Civil Society) to provide oversight of government activity. It regularly criticized practices such as remission of taxes and custom duties for associates of high-ranking government officials. The Government did not interfere in its operations.

During 2000 Red Cross volunteers and relief workers reported being threatened, harassed, even shot at, and prevented from carrying out relief work by both Guadalcanalese and Malaitan militants; such incidents continued during the year, but at a reduced level.

There is a constitutionally provided ombudsman, with the power of subpoena, who can investigate complaints of official abuse, mistreatment, or unfair treatment. The

Ombudsman's Office did not report any incidents involving interference with these rights. While the Ombudsman's Office potentially has far-ranging powers, it is limited by a shortage of resources; it took no noticeable action during the year.

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

The Constitution provides that no person—regardless of race, place of origin, political opinion, color, creed, or disability—shall be treated in a discriminatory manner in respect of access to public places. The Constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remain the victims of discrimination in this tradition-based society. Unemployment is high, and there are limited job opportunities for persons with disabilities.

Women.—While actual statistics are scarce, incidents of domestic violence appear to be common. The law does not address domestic violence; however, there are provisions against common assault and rape. The Government took no action during the year to address domestic abuse. In the rare cases that are reported, charges often are dropped by the victims before the court appearance or are settled out of court. The magistrates' courts deal with physical abuse of women as with any other assault, although prosecutions are rare. In part due to the breakdown in law and order and the lack of a police force after June 2000, women and teenage girls in particular are vulnerable to abuse including rape, and many rapes have been reported since the ethnic conflict began in 1998. During the year, no charges were brought against militants in these cases; however, charges have been brought in other cases against persons regarded as criminals.

The law accords women equal legal rights. However, in this traditional society men are dominant, and women are limited to customary family roles. This situation has prevented women from taking more active roles in economic and political life. A shortage of jobs inhibits the entry of women into the work force. The majority of women are illiterate; this is attributed in large part to cultural barriers. The National Council of Women and other NGO's have attempted to make women more aware of their legal rights through seminars, workshops, and other activities. The Government's Women Development Division also addresses women's issues.

Prostitution is illegal, but the statutes are not enforced. Although there is no law against sex tourism, none has been reported. Sexual harassment is not prohibited by law and is a problem.

Children.—Within the limits of its resources, the Government is committed to the welfare and protection of the rights of children. There is no compulsory education, and, according to some estimates, less than 60 percent of school-age children have access to primary education; the percentages of those attending secondary and tertiary institutions are much smaller. Few children proceed beyond primary school, and a higher percentage of boys than girls attend school. School fees are very expensive in terms of local incomes; all students must pay. Since 1999 the already poor state of education worsened. Infrastructure has deteriorated and financial resources have almost disappeared; the Government has not paid teachers regularly.

Children are respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services. As a result, virtually no children are homeless or abandoned. Although some cases of child abuse are reported, there is no societal pattern of abuse. The Constitution grants children the same general rights and protection as adults. Existing laws are designed to protect children from sexual abuse, child labor, and neglect.

All medical care for children is free; however, the lack of resources has reduced seriously the quality and availability of medical care.

In 2000 Amnesty International reported that Guadalcanalese militants included a number of child soldiers; however, this report has not been confirmed or repeated.

Persons with Disabilities.—There is no law or national policy on persons with disabilities, and no legislation mandates access for such individuals. Their protection and care are left to the traditional extended family and nongovernmental organizations. With high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, do not find work outside of the family structure.

Persons with mental disabilities are cared for within the family structure; there are no government facilities for such persons.

National/Racial/Ethnic Minorities.—The country is composed of over 27 islands with approximately 70 language groups. In the precolonial era, these groups existed in a state of endemic warfare with one another, and even today many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and

only third as citizens of their nation. Over the past century, and particularly since World War II, many persons from the poor, heavily populated island of Malaita have settled on Guadalcanal, the island on which the capital of Honiara is located. The tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in late 1998 (see Sections 1.a., 1.b., 1.c., 1.g., and 2.d.). In 1998 Guadalcanalese militants began a campaign of threats and intimidation against Malaitans on Guadalcanal. Scores of Malaitans have been killed or injured by Guadalcanalese militants. Since 1998 approximately 30,000 persons, mainly Malaitans, have fled their homes as a result of the conflict. Civilians have been the victims of abuses by both sides; such abuses reportedly included abductions, torture, rape, forced resettlement, looting, and the burning of homes.

Beginning in January 2000, Malaitan militants began seizing weapons from the police; many police officers (who are largely Malaitans) joined the Malaitan militants. On June 5, 2000, Malaitan militants took over the capital of Honiara (which is largely populated by Malaitans), forced the Prime Minister to resign, forced Parliament to choose another Prime Minister, and precipitated a brief period of ethnic warfare.

During the year, tension and violence between Malaitan and Guadalcanalese continued at reduced levels.

Section 6. Worker Rights

a. The Right of Association.—The Constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights. Only about 10 to 15 percent of the population participate in the formal sector of the economy. Approximately 60 to 70 percent of wage earners are organized (90 percent of employees in the public sector and about 50 percent of those in the private sector).

The law permits strikes; however, there were no significant strikes or labor actions during the year. Disputes usually are referred quickly to the Trade Disputes Panel (TDP) for arbitration, either before or during a strike. In practice the small percentage of the work force in formal employment means that employers have ample replacement workers if disputes are not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating. Since 1998 ethnic tensions and conflict on Guadalcanal, the most economically developed island in the country, seriously have disrupted economic activity and have resulted in the loss of many formal employment opportunities. Mainstays of the cash economy such as the Solomon Taiyo fish cannery and the country's only gold mine closed as a result of the conflict and remained closed during the year. In June 1999, Solomon Islands Plantation Ltd. closed its facilities following attacks on its workers. About 2,000 employees were evacuated. During the year, Guadalcanal militants prevented the return of the work force, 60 percent of whom are Malaitan.

Unions are free to affiliate internationally, and the largest trade union, the Solomon Islands' National Union of Workers, is affiliated with the World Federation of Trade Unions, the South Pacific Oceanic Council of Trade Unions, and the Commonwealth Trade Union Congress.

b. The Right to Organize and Bargain Collectively.—The law provides for the rights to organize and to bargain collectively, and unions exercise these rights frequently.

Wages and conditions of employment are determined by collective bargaining. If a dispute between labor and management cannot be settled between the two sides, it is referred to the TDP for arbitration. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral.

The law protects workers against antiunion activity, and there are no areas where union activity is officially discouraged.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, including forced and bonded labor by children, and, except as part of a court sentence or order, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws. Given low wages and high unemployment, there is little incentive to employ child labor.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. It does not have a comprehensive policy for the elimination of such abuses; there are no regulations defining the worst forms of child labor.

The Government prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage rate is \$0.31 per hour (1.50 Solomon Islands dollars) for all workers except those in the fishing and agricultural sectors, who receive \$0.25 (1.25 Solomon Islands dollars). The legal minimum wage does not provide a decent standard of living for an urban family living entirely on the cash economy. However, most families are not dependent solely on wages for their livelihoods.

The law regulates premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to 6 days per week. There are provisions for premium pay for overtime and holiday work and for maternity leave.

Both an active labor movement and an independent judiciary provide widespread enforcement of labor laws in major state and private enterprises. The Commissioner of Labor, the Public Prosecutor, and the police are responsible for enforcing labor laws; however, they usually react to complaints rather than routinely monitor adherence to the law. Their efforts have been restricted severely by the conflict and ensuing political instability. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. Safety and health laws appear to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site.

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

THAILAND

Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. The coalition Government, led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party, was formed in February following the general election in January. The election process generally was viewed as free and fair; however, it was marred by widespread corruption, and the killing of 25 political canvassers during the campaign leading up to the elections. The judiciary is independent, but is subject to corruption.

The security forces have wide-ranging legal powers, derived primarily from past militarily controlled administrations. The armed forces have become increasingly professional and increasingly subject to civilian control. Their influence in politics has been diminishing. The Royal Thai Police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the police have a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The country has a population of approximately 60,000,000. It is a newly industrializing country with a market-based economy and strong tradition of private enterprise, although state enterprises play a significant role in some sectors. Gross domestic product (GDP) growth is estimated at 1–2 percent during the year. Annual per capita income is approximately \$2,000; depreciation of the local currency during the 1997–99 financial crisis magnified declining income. Roughly 60 percent of the population remains rural and agricultural, although agriculture only accounts for approximately 10 percent of GDP. Rice and other agricultural and fisheries products are important exports, as are electrical goods, textiles, and automobiles. Government efforts to narrow the gap between urban and rural living standards have met with mixed success, and the Government increasingly focused on education and investment promotion in poor areas to reduce disparities in income distribution. Although government regulation generally provides protection for individual economic interests, including property rights, a lack of transparency in bureaucratic decision-making and a gap between regulation and enforcement sometimes leads to uneven treatment of some firms and institutions. Some areas of Government remain subject to corruption.

The Government generally respected the human rights of its citizens; however, significant problems remain in several areas. Police officers killed a number of criminal suspects while attempting to apprehend them. The Government remained reluctant to prosecute vigorously those who committed such abuses, resulting in a climate of impunity. Police occasionally beat suspects, at times to coerce confessions. An ingrained culture of corruption persists in many parts of the civilian bureaucracy and in the security forces. Routine demands for bribes undermine the rule of law and permit the continuation of various illegal activities such as income tax evasion, illegal gambling, drug violations, goods smuggling, trafficking in persons, and prostitution. Enforcement of a broad range of laws and regulations by police continued to be noticeably lax. Conditions in prison and immigration detention facilities are poor due to severe overcrowding. Lengthy pretrial detention and the prolonged detention of some aliens remain problems. The judiciary suffers from corruption and at times security forces infringed on citizens' privacy rights. The Government issued warnings to several publications, and the media practiced some self-censorship and experienced some editorial interference by the Government. There were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and the disabled; however, some inequities in the law remain. Violence and societal discrimination against women are problems. Trafficking in women and children and coerced prostitution are serious problems. Societal discrimination against hill tribes and religious and ethnic minorities persists. There were reports of forced labor and child labor.

The 1997 Constitution contains provisions designed to combat corruption and increase government accountability, transparency, and public participation in the political process. The Government has adopted implementing legislation to bring government practice in line with these reforms, and in July the constitutionally mandated National Human Rights Commission commenced operation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings during the year by government agents; however, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to report that some police officers used unwarranted lethal force in apprehending criminal suspects. Armed alleged drug traffickers in particular continued to confront and threaten police officers violently, and officers used deadly force during some arrest attempts. During 2000 police killed 50 criminal suspects, statistics were not yet available for 2001.

There were press allegations that the government considered forming "killing teams" to assassinate suspected drug traffickers. The Prime Minister and other government officials publicly denied the reports, stating that such a measure would be illegal and would violate human rights principles.

The two senior police officers arrested in the June 1999 Nonthaburi abduction and killing of a suspected car thief were freed on bail and returned to their positions. An internal investigation of the killings continues; a civil suit filed by relatives of the victims was settled out of court in July.

The trial of the police officer charged in the 1996 killing of farmer activist Joon Bhoonkhuntod was dismissed for lack of evidence on October 18, after the victim's family accepted a monetary settlement from the officer. The Office of the Attorney General has not yet decided whether to prosecute police allegedly involved in the 1996 Suphanburi killings of suspected drug dealers.

In the past, when the Government investigated extrajudicial killings, it prosecuted few police or military officers accused of such abuses. A senior prosecutor in 1999 stated that 99 percent of all cases in which government officials were accused of extrajudicial killings were dropped on the basis of insufficient evidence. Senior prosecutors and legal associations claimed that most cases eventually were dismissed because regulations outlined in the Criminal Code required public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Initial inquiries were carried out by police officers, often from the same units allegedly responsible for the killing. Credible sources reported that police investigators routinely determined that police took no wrongful action. Routine exoneration of police officers contributed to a climate of impunity that was a significant factor in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. However, in June 2000, a new procedure for investigating suspicious deaths, including deaths occurring while the individual is in custody, took effect as part of

the amended Criminal Procedure Code. It requires, among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members may have legal representation at the inquests. Thus far the effects of the reforms appear limited. The most notable case reflecting a changed climate actually concluded in May 2000 before the reforms officially entered into effect, when 10 policemen were sentenced to life imprisonment for the 1994 killings of 4 municipal officials.

Families rarely take advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office—in some instances by the same prosecutor—who already has ruled that no criminal action occurred. There is no information available to determine how many cases are settled out of court. However, in cases in which suits are filed, the official charged often compensates the family of the deceased, and the lawsuit is waived.

There were 25 killings of political canvassers during the election campaigns leading up to the January general election and March 2000 Senate elections. All the victims worked for political parties, and, although some of the killings apparently were politically motivated, many appeared to be the result of personal disputes. Police arrested several persons in connection with killings that were motivated by both political and private disputes. Investigations into these cases continued at year's end.

In past years, conflicts along all four of the country's borders as well as internal insurgency resulted in the placement of landmines, and, over the last 2 years, 346 persons have been killed or injured in landmine or unexploded ordnance incidents. The Government is strongly committed to removing all landmines and unexploded ordnance, and the country's security forces have not laid landmines in recent years.

b. Disappearance.—There were no reports of new politically motivated disappearances during the year.

In February 2000, following border clashes involving Burmese, Thai and Karen forces, a large group of Karen crossed into Thailand seeking safety. Some of the Karen fighters were associated with a small splinter group, commonly referred to as God's Army. The Thai military reportedly separated 55 males from the group. The family members of those 55 have had no word from them since that time. There were allegations that the 55 men were executed. However, no physical evidence has been provided to support these claims. The Thai military stated that the group of 55 voluntarily returned to Burma to continue their fight against the Burmese army.

As a result of a request made under the Official Information Act by the victims' families, the Government in May 2000 released the Defense Ministry's report on the military forces' suppression of political demonstrations in May 1992. The report provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. Most, if not all, are presumed dead by family members and NGO's.

The results of a government investigation into the 1991 disappearance of Labor Congress of Thailand president Thanong Po-an conducted by the House Justice and Human Rights Standing Committee have never been released to the public. In March labor activists filed a request under the Official Information Act for information regarding the case. In July the President of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) wrote to the Prime Minister to request public release of information on the 10th anniversary of Thanong's disappearance. There was no official response by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Criminal Code prohibit such practices; however, NGO's and legal organizations continue to report that some members of the police occasionally beat suspects in order to coerce confessions. During the year, there were newspaper reports of six cases in which citizens accused police of brutality, threatening false charges, and extorting bribes. Investigations were undertaken in four of the cases, including one in which the accused police officer was suspended pending the result of the internal investigation. Authorities also investigated and prosecuted police officers accused of raping and extorting sex from female suspects in detention.

In May two women accused a police officer of raping them in jail while they were serving a sentence on drug charges. The officer was suspended from duty and released on bail. The rape case against him was being tried at year's end.

Police and prosecutors continued to investigate a November 2000 incident in which villagers allegedly paid by the Government violently dispersed a protest by the NGO Assembly of the Poor at the Pak Mun dam seriously injuring 4 protesters and burning more than 500 temporary shelters (see Section 2.b.).

Among junior police officers, corruption remains widespread. Police officials complain that low pay for members of police forces makes them susceptible to bribes.

Some corrupt police and soldiers are involved in prostitution and trafficking in women and children (see Sections 5, 6.c., and 6.f.).

Prison conditions are poor but in general they do not threaten the life or health of inmates. Already severe prison overcrowding worsened during the year due to increased numbers of persons imprisoned for drug-related offenses (of more than 240,000 prison inmates, approximately 140,000 were charged with narcotics violations). The total prison population of approximately 242,000 inmates is housed in 156 prisons that have a total design capacity of 100,000 prisoners. Sleeping accommodations and access to medical care remain areas of concern. Medical care in prisons is inadequate. The Corrections Department employs only 17 full-time doctors and 7 full-time dentists. Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons as a means of controlling and punishing prisoners. Credible sources continued to report that prisoners captured in escape attempts were beaten severely. Male and female prisoners in official remand centers and prisons are segregated, and juveniles are held separately in 34 of the 76 provinces. Men, women, and children often are held together in police station holding cells pending indictment.

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) and in provincial detention centers remained very poor. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. Some foreigners face trial delays of up to 6 months. Overcrowding and shortages of food and water in the immigration detention centers remain significant problems.

Access to prisons is not restricted, and the Government permits visits by independent human rights monitors and the International Committee of the Red Cross.

d. Arbitrary Arrest, Detention, or Exile.—With few exceptions, including crimes in progress, the law requires police officers making an arrest to have judicial warrants, and authorities generally respect this provision in practice. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respect this right in practice. Foreign prisoners sometimes are forced to sign confessions without benefit of a competent translator.

Police also are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest; however, the law also allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. In addition laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers report that the police rarely bring their cases to court within the 48-hour period. There is a functioning bail system.

The Anti-Communist Activities Act, which formerly provided the only legal basis for detention by the police without specific charges for long periods (up to 480 days), expired on June 3.

Approximately 28 percent of the total prison population were pretrial detainees. Pretrial detainees usually are not segregated from the general prison population. Pretrial detention of criminal suspects for up to 60 days is common. Some foreigners held in immigration detention facilities face trial delays of up to 6 months (see Section 1.c.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary generally is regarded as independent, it is subject to corruption and has a reputation for venality.

The civilian judicial system has three levels of courts, as well as an independent Constitutional Court: courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (which was last in effect in the country in 1992). There is no right to appeal military court decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998. The courts became fully independent of the Ministry of Justice and responsible for its own administration and budget in August 2000. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. A single judge decides trials for misdemeanors, and two or more judges are required for more serious cases. Trials often require years to

complete because they run sporadically, typically convening for a single day every few months. While most trials are public, the court may order a closed trial. This is done most often in cases involving national security or the royal family. Judges are career civil servants and judicial appointments and judicial bodies are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Except for limited exceptions, the Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. With a few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. However, the procedures for issuing warrants are not standardized, primarily because various laws such as the Criminal Procedure Code and internal government regulations, including those that apply to the police department, have not been amended to comply with the Constitution. The laws must be amended to comply with the Constitution by 2002.

Lawyers' associations reported that police at times used blank search warrants rather than obtaining judicial approval or used legitimate warrants to conduct intrusive searches outside the stated evidentiary domain. NGO's concerned with the welfare of highlanders reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. Such operations are permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The Anti-Communist Activities Act, which had allowed officials engaged in "Communist suppression operations" to conduct searches without warrants, expired in June (see Section 1.d.).

In June the National Countercorruption Commission found two Telephone Organization of Thailand technicians responsible for malfeasance in the June 2000 wiretapping of the residential telephone of Wira Somkhwamkhit, an anticorruption activist. The Commission had not yet taken further action on the cases and had not yet been able to identify the person who ordered the wiretaps by year's end (see Section 4).

Security services monitor persons, including foreign visitors, who espouse extremist or highly controversial views.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for a large measure of freedom of speech and of the press, and the Government generally respects these rights in practice. However, the Government may restrict these rights to preserve national security, maintain public order, preserve the rights of others, protect public morals, prohibit criticism of the royal family (*lesé majesté*), or prevent insults of Buddhism.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and issues involving national security, media criticism of political parties, public figures, and the Government is common and vigorous. Journalists generally are free to comment on governmental activities without fear of official reprisal.

During the year, there were no cases of violence or physical intimidation against members of the press. The case of army officers arrested in the April 2000 nonfatal shooting of the editor in chief of the Chiang Mai daily newspaper Pak Nua was being tried at year's end. The editor believed that his repeated critical reporting on the local government led to the assault.

Between January and December, the Royal Thai Police Special Branch issued 14 warnings to publications for violations of the 1941 Printing and Advertisement Act such as disturbing the peace, interfering with public safety, and offending public morals. In March the Nation newspaper received a telephone call from the Special Branch, which accused the newspaper of endangering national security for printing a story critical of Foreign Minister Surakiart Sathirathai's trip to Burma. In July the newspapers Thai Rath and Krungthep Turakit received warning letters from the

Special Branch after they made reference to a Reuters wire service article that had speculated on the consequences were Prime Minister Thaksin Shinawatra to be found guilty of assets concealment by the Constitutional Court. The 1941 Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. Legislation was proposed in 1998 to revoke the act. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

The law allows police to restrict or confiscate printed publications and other materials deemed obscene; the interpretation generally is limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police have the authority to ban the importation of publications but generally do not exercise it. The 1952 Anti-Communist Activities Act, which had been created to counter the threat of communism through media restriction, expired in June.

Radio and television stations enjoy the same constitutional protections of freedom of expression and speech as the print media. The Government licenses all radio and television stations, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services. The military services retain 40 to 50 radio and television frequencies for national security purposes, despite assurances by the civil authorities that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There is one cable television network. It enjoys almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. A 24-hour news channel that is owned by the Nation Multimedia Group operates exclusively on cable television.

There is one independent, noncable television station, Independent Television (iTV), its managing shareholder is Shin Corporation, which is owned by the Prime Minister's family. Journalists and academics previously had accused the government and the Prime Minister of editorial interference in iTV's coverage, but without substantiating their allegations. On February 7, 23 iTV staff members were fired after they had formed a union and publicly complained of political interference in the station's editorial content. The station's management cited breach of company regulations and restructuring as the basis for the firings (see Section 6.a.).

Programmers generally are free to determine the nature and content of television broadcasts. Stations occasionally censor or "black out" portions of programming that they deem politically sensitive or pornographic. Such self-censorship is more common at state-controlled stations. During the year, media critics accused the Government of interference in news coverage broadcast by state-controlled television stations. In August the Thai Broadcast Journalist Association filed a lawsuit against the Prime Minister in the Administrative Court, accusing him of 14 instances of editorial interference that violated the constitutional provision of press freedom. The case was pending at year's end. A censorship board exists as part of the office of the Prime Minister; however, it rarely formally restricts television or radio broadcasts. It advises broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive, and advises the programmer to be more careful in the future.

The Constitution calls for fewer restrictions on broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management. The seven Commission members are expected to be selected from four broad categories: government, broadcasting, NGO's, and universities. Selection of the NBC was postponed indefinitely due to a lawsuit filed in the Administrative Court alleging conflict of interest and corruption in the nomination process. The NBC is to be authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contain broad censorship powers and allow the Government to retain a large number of its frequencies.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board may ban films if its requirements that portions of the film be removed are not met. Reasons

for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, 179 films were submitted for review in 2000, none of which were banned.

Activity on the Internet remains unregulated. According to the National Electronics and Computer Technology Center, an estimated 3.5 million persons use the Internet.

The Constitution provides for the right to engage in academic pursuits, and academic freedom is respected. The Ministry of Education edits public school textbooks. No textbooks were censored during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

In November 2000, in Ubon Ratchanthani province, villagers allegedly paid by the Government's electric power authority violently dispersed a longstanding protest at the Pak Mun dam by the Assembly of the Poor, an NGO focusing on issues of poverty and the environment. The villagers seriously injured 4 protesters and burned more than 500 temporary shelters. The protesters argue that the dam displaced local residents and negatively affected their livelihoods and the environment. Police and prosecutors continued to investigate the case at year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration is approved routinely.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respects this right in practice; however, it restricts the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Government plays an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registers religious organizations. In order to be registered, a religious organization first must be accepted into an officially recognized ecclesiastical group. There are seven such groups, including one for Buddhists, one for Muslims, one for Catholics, and four for Protestant denominations. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that have not been accepted into one of the existing recognized groups have been restricted, in general unregistered religious organizations operate freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act of 1969, the RAD recognizes a new religion if a national census shows that it has at least 5,000 adherents, has a uniquely recognizable theology, and is not politically active. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This has restricted the activities of some groups that have not been accepted into one of the existing religious governing bodies on doctrinal or other grounds.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The Government subsidizes the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid-2000 the Government has provided more than \$48 million (2.1 billion baht) to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics who hold administrative and senior ecclesiastical posts; and to subsidize travel and healthcare for monks and Muslim clerics. This figure also includes an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

During the year, the Government also provided \$66,000 (3 million baht) to Christian organizations to support social welfare projects. Catholic and Protestant churches may request government support for renovation and repair work but do not receive a regular budget to maintain church buildings nor do they receive government assistance to support their clergy. The Government considers donations made to maintain Buddhist, Muslim, or Christian buildings to be tax-free income; contributions for these purposes are also tax-deductible for private donors.

Religious instruction is required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Students at the primary level are required to take 80 hours of instruction per academic year in religious studies classes. Instruction is limited to Buddhism and Islam. During the

year, some parts of the country with large Muslim student populations did not have Muslim studies courses. Muslim students in these schools generally were directed to school libraries to participate in Muslim self-study courses.

National identity cards produced by the MOI include the religious affiliation of the holder. The change was implemented in 1999 in response to the demands of parliamentarians for simpler identification of persons who required Muslim burial. Persons who fail or choose not to indicate religious affiliation in their applications may be issued cards without religious information.

In February Thai Falun Gong members voluntarily decided not to proceed with plans to organize an international meeting in Bangkok, originally proposed for April. Their decision was in response to unofficial indications from the Government that it did not favor such a conference. There were reports that the Government of the People's Republic of China (PRC) had pursued an aggressive campaign against the meeting.

The Government has investigated religious groups alleged to be engaged in "cult" activities. In 1998 the National Security Council and the House Standing Committee on Religion, Arts, and Cultural Affairs initiated an investigation into the alleged "cultish practices" of the Hope of Thai People Foundation after complaints were filed at the RAD by parents claiming that their children had isolated themselves from friends and family after joining the church. In January 1999, the House Standing Committee moved to consider a petition filed by a Senator requesting that the Foundation's activities be investigated. In response the Foundation filed a lawsuit against the Committee chairman for defamation in May 1999. The lawsuit against the former chairman, now a Senator, remained in litigation at year's end. No further action was taken before the Committee disbanded at the end of the parliamentary session in November 2000.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens. The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982. The quota is divided along both religious and denominational lines and is considered sensitive for this reason. There were no reports during the year that foreign missionaries were deported or harassed for working without registration, although the activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist activities in the south.

Laws prohibiting speech likely to insult Buddhism remain in place under the 1997 Constitution. The police, have authority under the law to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals; however, they did not use it to restrict the publication or distribution of religious literature during the year. The police used the law in 1999 to confiscate a book written by a Phra Dhammakaya temple follower, that attacked a monk who is one of the chief critics of that temple. In December 1999, the police issued an arrest warrant for the author for defamation of character. By year's end, no arrest had been made in the case. The law also requires all theater owners and broadcasters to submit films scheduled for screening to a government film censorship board for review (see Section 2.a.).

Muslim female civil servants are not permitted to wear headscarves when dressed in civil servant uniforms.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respect this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to Thailand in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remain in place. In addition other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of tribal members, officially are required to seek permission from local authorities or the army for foreign and domestic travel. In practice authorities rarely enforce these restrictive measures. Registered resident aliens move freely within the country.

The Government limits the sectors and provinces in which migrant workers may hold jobs.

The Government deported thousands of migrant workers and families during the year. However, NGO's reported that a large number of those deported later returned to the country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no legislation regarding the treatment of refugees. However, the Government continued to provide first asylum to a small

number of Lao asylum seekers. The Government continued to allow the U.N. High Commissioner for Refugees (UNHCR) to monitor and provide protection to 130,000 Burmese refugees—designated by the Government and the UNHCR as displaced persons—in 10 camps along its frontier with Burma. However, the Government prohibits the UNHCR from maintaining a permanent presence in the border camps.

Along the border with Burma, the Government generally followed its policy of providing first asylum to new displaced arrivals. Provincial screening committees determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion.

During the year, several thousand new Burmese arrivals claiming to fear persecution were granted temporary shelter in the country as displaced persons. Several thousand more whose applications for shelter were rejected and who are appealing remain in camps monitored by the UNHCR. In August the Government announced and then postponed plans to forcibly repatriate up to 5,000 “screened-out” asylum seekers. In November 63 Karen asylum seekers were involuntarily returned to the Mon cease-fire zone. Although it had been given access to these persons, the UNHCR was not invited to the Admissions Board hearings on the cases. The Government subsequently apologized to the UNHCR for the omission.

In June and August 2000, the Government forcibly repatriated 116 Burmese deemed ineligible for assistance in the camps. The UNHCR unsuccessfully appealed on behalf of those asylum seekers. Most of those returned to Burma reportedly returned to the camps. After the October 1999 takeover of the Embassy of Burma in Bangkok by Burmese dissidents, the Government accelerated the pace of third-country resettlement of Burmese “student” refugees housed in the Maneelay Burmese Center located in Ratchaburi province. Since then more than 1,900 have been resettled in 9 countries, reducing the current registered refugee population to fewer than 100 persons.

The Government also continued to allow NGO’s to provide food, medical services, housing, and other services to Burmese refugees near the border. However, similar NGO aid to ethnic Shan refugees fleeing from forced relocation and occasional fighting in Shan State, Burma, was not allowed. The Government and the UNHCR do not extend displaced person status to the large number of members of the Shan ethnic minority who have crossed the border but who have not requested refugee status. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as “persons of concern” by the UNHCR.

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

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but has never used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Parliamentary elections were held in January. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of five rounds of revotes in 72 constituencies due to “election irregularities.” Peaceful transitions have marked all changes of government since 1992. There also were 25 killings of political canvassers during the campaign leading up to the elections, at least some of which were politically motivated (see Section 1.a.). The coalition Government of Prime Minister Thaksin Shinawatra’s Thai Rak Thai Party was formed in February following the general election.

In August 2000, the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to perceived irregularities such as evidence of vote buying. In October 2000, the Constitutional Court ruled that the Election Commission could disqualify a candidate whom the Commission finds guilty of electoral irregularities.

While there are no legal restrictions on their political participation, the percentage of women in government or politics does not reflect accurately their numbers

in the population, especially at senior levels in the national government. There are 48 women among the 500 members of the House of Representatives, and 20 women in the 200-member Senate. There are 3 women on the 36-member Cabinet. Although over half of civil service employees are women, relatively few hold senior positions.

No laws prohibit the political participation of ethnic minorities, but few hold positions of authority in national politics. Muslims from the south hold significant elected posts in the Government, although they continue to be underrepresented in appointed local and provincial government positions. There are 8 Muslim Senators and 24 Muslim Members of House of Representatives, including Communications Minister Wanmuhammadnor Matha. Two Members of Parliament are hilltribesmen.

Noncitizen members of hilltribes are barred from participating in the political process (see Section 5).

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

A wide variety of domestic and international human rights organizations generally work without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

Very few NGO's are accorded tax-exempt status, and this sometimes hampers the ability of domestic human rights organizations to secure adequate funding.

In June the National Countercorruption Commission found two Telephone Organization of Thailand (TOT) technicians responsible for criminal and disciplinary violations in connection with the wiretap surveillance of Wira Somkwamkhit, Chairman of the People's Rights Protection Group, an anticorruption NGO. Wira had been investigating corruption charges against then-Deputy Prime Minister Sanan Khrachonprasat, who was forced to resign after the Commission found that he had falsified financial statements. The Commission had not referred the TOT employees' cases to the TOT or prosecutors for further action, and was unable to identify the person who ordered the wiretaps, by year's end (see Section 1.f.).

The 11-member National Human Rights Commission (NHRC) convened for the first time in July. The Commission operates as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, propose policies and recommendations for amending laws to the National Assembly, promote measures to educate citizens on human rights, and investigate human rights abuses. Modest staffing and resources as well as the lack of power to prosecute or punish violators are expected to hamper its ability to carry out its mandate.

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

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice some discrimination exists, and government enforcement of equal protection statutes is uneven.

Women.—Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse occurs across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often make prosecuting such cases difficult. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported, because many victims and law enforcement personnel continue to regard domestic abuse as a private matter rather than a legal one. NGO-supported programs designed to aid victims include emergency hot lines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's "one-stop" crisis centers, which are located in state-run hospitals, continued to care for abused women and children, but faced budget difficulties.

Rape is illegal. However, a husband may not be prosecuted for spousal rape. In 1998 the Government proposed changes to the law that would redefine the term rape to include marital rape. There has been no action on the proposal.

According to academics and women's rights activists, rapes and domestic assaults are underreported, in part because law enforcement agencies widely are perceived to be incapable of bringing perpetrators to justice. Police have sought to change this perception and encourage women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations, with a total of 20 female investigators. The police expanded this program to three provinces by adding an additional nine female officers.

Prostitution is illegal but flourishes. It is culturally ingrained and often is protected by local officials with a commercial interest in it (see Sections 1.c., 6.c., and 6.f.). Trafficking in women and children for prostitution is a serious problem (see Section 6.f.). Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under 18 years of age and foreigners. There were reports that women were forced into prostitution in border areas, but the number of such cases is difficult to determine. The majority of prostitutes are not kept under physical constraint, but a large number work under debt bondage (see Sections 6.c. and 6.f.). The 1996 Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions, but the number of prosecutions remains low. NGO's and government agencies provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism is a problem (see Section 6.f.).

The Labor Protection Law makes sexual harassment illegal, but covers only persons working in the private sector. NGO's claim that the term is vague and that such ambiguity makes the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the law during the year.

The Constitution provides women with equal rights and protections, but some inequalities in the law remain. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife.

Women have equal access to higher education, and more than half of university graduates each year are women. However, police and military academies (except for the nursing academy) do not accept female students, although a significant number of instructors at the military academies are women. Women constitute 44 percent of the labor force and hold an increasing share of professional positions. Women also are able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring is common, and there is a significant gap between the average salaries earned by men and women, because women are concentrated in lower paying jobs. In practice women also receive lower pay for equal work in virtually all sectors of the economy.

The Constitution specifies that at least one-third of the members of the National Human Rights Commission be women; 5 of the 11 current commissioners are women. The Women and Constitution Network, a league of 35 women's organizations, advocates for legal reforms to address legal inequities in the treatment of women. It continues to play an important role in securing the inclusion of gender-equality clauses in legislation that create new government organizations mandated by the 1997 Constitution.

Children.—In recent years, the Government took steps to promote the rights and welfare of children. The Constitution provides for the right of access to free public education through grade 12, and the Government mandates 9 years of compulsory education. However, only an estimated 23 percent of children complete grade 6, and 10 percent complete grade 12. The Government's 1997 Social Welfare Plan for Underprivileged People doubled the budget for children's programs for 1997–2001, compared with the previous 5-year plan. The 2002–2006 plan is scheduled to be released in January 2002. Although special juvenile courts and detention centers exist in 34 provinces, children are tried in the same courts and detained with adults in the rest of the country.

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. However, as with domestic abuse, police are reluctant to investigate abuse cases, and rules of evidence make prosecution of child abuse cases difficult. In September 2000, legislation designed to protect witnesses, victims, and offenders under the age of 18 came into effect. The new procedures allow children to testify on videotape and in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. However, some judges refused to allow video testimony in their courts. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for prostitution, is a serious problem (see Sections 6.c. and 6.f.). Pedophilia, both by citizens and by foreign sex tourists, continues. The Government, university researchers, and NGO's estimate that there are as many as 30,000 to 40,000 prostitutes under the age of 18. The Prostitution Pre-

vention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. There had been no prosecutions under the law by year's end.

Child labor remains a problem, and some international organizations, government-funded research organizations, and news media continued to report on the large number of children leaving school for economic reasons (see Section 6.d.).

The Department of Public Welfare and the International Labor Organization-International Program for the Elimination of Child Labor (ILO-IPEC) estimate that as many as 20,000 children live in the streets of the major urban centers. Many are thought to come from neighboring countries, including Cambodia and Burma. Although the Bangkok authorities attempt to provide shelters, resources are inadequate and many of the children reportedly avoid the shelters for fear of being detained and expelled from the country.

Persons with Disabilities.—The law provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government has not enforced these laws effectively. An estimated 145,000 children with disabilities attend school, with approximately 130,000 enrolled in about 4,000 regular public schools equipped to accommodate students with physical disabilities. Nationwide, there are 8 government-operated and 15 NGO-operated training centers for persons with disabilities. However, with little education, very few adults with disabilities are able to find employment. Many of those who do find employment are subjected to wage discrimination. The law requires that private firms hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has not been enforced since it came into effect in 1991. Government officials estimated that 30 percent of firms disregard the law. Some state enterprises have discriminatory hiring policies.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

Religious Minorities.—There were no reports of violence against members of religious minorities, but some societal discrimination remains. Muslims, who represent up to 10 percent of the country's population nationwide and constitute the majority in four of the five southernmost provinces that border Malaysia, experienced some discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Indigenous People.—Members of hilltribes without proper documentation, who account for approximately half the estimated 700,000 to 880,000 such persons, still face restrictions on their movement, may not own land, and are not protected by labor laws, including minimum wage requirements. They sometimes are denied adequate education and health care. Those residing in national parks or wildlife sanctuaries are subject to eviction. As noncitizen residents, they also are barred from participating in the political process (see Section 3). In May 2000, the MOI redefined the category of hilltribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The new definition includes persons who formerly were defined either as indigenous or migrants. The new regulations ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. In August the Government extended for 1 year until August 2002 the time it would allow for citizenship processing for certain groups of resident alien hilltribe members.

Societal discrimination against hilltribe members, arising from widely held beliefs that they are involved in drug trafficking and environmental degradation, continued. Hilltribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Section 1.f.).

National/Racial/Ethnic Minorities.—The Sino-Thai population is well integrated and does not face discrimination. However, about 50,000 former Chinese soldiers and dependents of a Kuomintang army that fled China after the Communist takeover and approximately 45,000 Vietnamese immigrants who reside in 5 northeastern provinces live under a set of laws and regulations that restrict their movement, residence, education, and occupation; however, these laws rarely are enforced (see Section 2.d.). According to Government sources, over 22,600 children of Vietnamese immigrants and 6,209 children of Chinese Kuomintang immigrants from

these groups have been naturalized. The Ministry of Interior suspended this program in December 1999, leaving many cases unresolved.

Section 6. Worker Rights

a. The Right of Association.—The 1975 Labor Relations Act grants freedom of association to all private sector workers, who have the right to form and join unions of their choosing without prior authorization. However, no law explicitly protects from discrimination workers who have participated in organizing new unions that have not been registered officially. Union leaders reported that employers often discriminate against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of new unions. The Government had not amended this legislation by year's end.

In 2000 the International Confederation of Free Trade Unions criticized a draft revision of the Labor Relations Act, because of its limits on the right to strike in "essential services." The Department of Labor's subsequent revisions, which are designed to protect workers from dismissal because of union organizing activities and to prohibit the employment of replacement workers during strikes, awaited presentation to the new Parliament at year's end.

The State Enterprise Labor Relations Act (SELRA) provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state-enterprise workers.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers, are unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the share of total employment that is agricultural often are cited as reasons for low rates of labor organization.

State enterprise unions do not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continue, and the Government has not interfered with these relationships.

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invokes this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which is defined much more broadly than in the International Labor Organization (ILO) criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers use unfavorable work assignments and reductions in work-hours and bonuses to punish strikers. No strikes were disapproved during the year, and five legal strikes were held.

Some corrupt private sector union leaders have been exploited by politicians or employers, but public unions generally operate independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions are free to associate internationally with other trade union organizations, and they maintain a wide variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. The Labor Relations Act defines the mechanisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees have excluded labor representatives and have placed factory managers on the wage committees to represent worker interests. The Government sets wages for both civil servants and state-enterprise employees under SELRA.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders who are dismissed unjustly usually are awarded only monetary compensation.

In February, 23 staff members of the iTV television station were fired after the employees formed a union and publicly complained of political interference in editorial content. The station's management cited breach of company regulations and restructuring as the basis for the firings. The employees were ordered reinstated by the Labor Relations Committee. The television station, partially owned by the Prime Minister's family, appealed the decision to the Labor Court, where a decision was pending at year's end. In May the ILO's Committee on Freedom of Association accepted the case (see Section 2.a.).

No separate labor legislation applies in the nine export processing zones, in which wages and working conditions often are better than national norms because of the preponderance of foreign-based multinational firms.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law; however, while these provisions generally are enforced in the formal sector, forced labor in the informal sector remains a problem. The law specifically prohibits forced or bonded labor by children; however, such labor is known to occur (see Section 6.d.). During the year, there were reports of sweatshops in which employers prevented workers from leaving the premises. There are no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. Trafficking in women and children for the purpose of prostitution also remains a serious problem (see Section 6.f.). Allegedly thousands of underage boys and girls are trafficked into the country for labor other than prostitution, including to work on farms and in sweatshops. Also, begging gangs in Bangkok use very young children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 15 years of age. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served, is prohibited by law. It is estimated that approximately 1 million children nationwide work on family farms. NGO's report that 2 to 4 percent of children between the ages of 6 and 14 work illegally in urban areas; such children are at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas work in the service sector, primarily at gasoline stations and restaurants. Underage workers also are employed as domestic servants. Child labor is not evident in larger foreign-owned or domestic export-oriented factories. However, no comprehensive survey of child labor in smaller enterprises exists, since NGO's do not have access to shop house factories.

The Department of Labor employed 803 full-time inspection officers during the year. Enforcement of child labor laws is not rigorous, and inspectors usually respond only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment. The law prohibits all forms of child labor and implicitly includes forced or bonded labor by children (see Section 6.c.). The Government attempted to address the problem of child labor in August 1999 by promulgating the National Education Act. The Act raised the compulsory educational requirement from 6 to 9 years, and offers 12 years of free education. Enforcement of the new provisions is to begin in August 2002 (see Section 5). Observers believe that the problem of child labor in industry has diminished due to enforcement of recent laws and increased public scrutiny. However, according to local NGO's and the ILO, the problem of street children (often foreign) working as beggars for organized gangs appears to be increasing (see Section 6.c.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor in February; however, the worst forms of child labor are a problem. The 1998 Labor Protection Act codifies the worst forms, and in October, under the auspices of ILO-IPEC, the Government committed to a "time-bound" project to eradicate the worst forms of child labor by an, as yet, undetermined date.

The law specifically prohibits forced or bonded labor by children; however, forced child labor is a problem (see Section 6.c.).

The country is both a source, transit point, and destination for trafficked children (see Section 6.f.).

e. Acceptable Conditions of Work.—The minimum wage ranges from \$3.01 to \$3.71 (133 to 165 baht) per day, depending on the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements; however, nationwide, more than half of workers receive less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws is mixed.

Unskilled migrant workers as well as illegal aliens often work for wages that are significantly lower than the minimum wage. Many labor laws, including the minimum wage, do not apply to undocumented workers, primarily hilltribe members and illegal aliens.

The Government mandates a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Working conditions vary widely. The rate of injury from industrial accidents has remained relatively constant over the last 10 years at 4.5 percent of the total work force. The MOL stated that the average annual rate of work-related deaths was 15 per 100,000 workers. Occupational diseases rarely are diagnosed or compensated, and few doctors or clinics specialize in occupational diseases. In medium-sized and large factories, government health and safety standards often are applied, but enforcement of safety standards is lax. In the large informal sector, health and safety protections are substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the maximum penalty for violations is 6 months' imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees are to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Courts continued to hear testimony in the case of the 1993 Kader Toy Factory fire.

Work permits for immigrant laborers initially are granted for 1 year, and routinely are extended for a 2nd year. The Government deported 211,729 illegal workers during the year, most of them to Burma. The press criticized this program as ineffective, and NGO's reported that a large number of those deported return soon thereafter. In September the Government undertook a registration campaign directed at the estimated 800,000 illegal Burmese, Cambodian, and Lao workers already present in the country. Registration would allow the workers to remain for up to 1 year, after which a review would be conducted to determine if citizen workers were available for the migrant's position. Those who registered were to be protected by labor law regulations and be given limited health insurance benefits. Restrictions on vocations and geographic areas open to foreign laborers also were lifted.

f. Trafficking in Persons.—The law prohibits trafficking in women and children; however, trafficking in persons is a serious problem. The country is a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution (see Section 5). Some local officials, immigration officers, and police reportedly either are involved in trafficking directly or take bribes to ignore it.

Government and NGO estimates of the number of women and children engaged in prostitution in the country vary widely. Many NGO's and government departments report a figure of 200,000 persons, which is considered a conservative estimate. This figure includes children under the age of 18 and foreigners. The number of victims of trafficking not involved in prostitution and including men, women, and children is unknown but believed to be substantial.

Within the country, women are trafficked from the impoverished Northeast and the North to Bangkok for sexual exploitation. Thai women also are trafficked internationally to Japan, Taiwan, Australia, Europe, and the United States, chiefly for

sexual exploitation, but also for sweatshop labor. Men also are trafficked into the country for farm, industrial, and construction labor. Women and men are trafficked from Burma, Cambodia, the PRC, and Laos into the country for labor and sexual exploitation. Boys and girls are trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, are among them. For example, very young Cambodian children are run by begging gangs in Bangkok. Occasionally entire families are trafficked for labor in sweatshops. Underage boys reportedly are brought into Thailand for specialized work in which small size is an advantage. Vietnamese and Russian citizens also reportedly were trafficked to Thailand in smaller numbers. According to domestic NGO's, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Persons trafficked from the PRC generally were in transit to other countries. As many as 8,000 women were trafficked from Russia, Ukraine, and other former Soviet Republics for work in the sex industry in the country by year's end.

NGO's believe the lack of citizenship status for some hilltribe women and children is a strong risk factor for becoming victims of trafficking.

Impoverished families send or sell children to traffickers, often a neighbor, a local official, or some other respected local person. Sometimes villagers see the local traffickers as friends offering a way out of poverty. Typically, local traffickers feed persons into larger networks, after which they exercise no further control and hear no more of them. Traffickers may misrepresent the type of work and working conditions, and victims may find themselves forced to remain and work in the border areas. Some women who contract for other kinds of work find themselves coerced into the sex trade. Indentured work, both sex work and other labor, is also a problem.

Trafficking through the country to onward destinations tends to be conducted by citizens of the PRC and other international organized criminals. Trafficking into and within the country generally is conducted by Thai criminal elements.

There continue to be credible reports that some corrupt police, military, and government officials are involved directly in trafficking or taking bribes to ignore it (see Sections 1.c., 5, and 6.c.). Police personnel are poorly paid, and widely accustomed to taking bribes to supplement their income. There were no recorded arrests of police or military officials for violations of trafficking or prostitution laws during the year.

The majority of prostitutes are not kept under physical constraint, but a large number work in debt bondage. Brothel procurers reportedly advance parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women are then obligated to work in a brothel to repay the loan.

Many Thai women are trafficked to Japan for purposes of sexual exploitation. Traffickers promise victims lucrative legitimate employment, or make false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon their arrival in Japan the traffickers confiscate the victims' passports, demand repayment for their "purchase," and charge the victims for living expenses, care, and fine them for misbehavior. Traffickers often restrict the women's movements, threaten them and their families, isolate them, and use violence to punish them for disobedience.

The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and assistance to victims. The authorities occasionally utilized these powers during the year, but the number of prosecutions remained minimal. A money-laundering law, which became effective in August 1999, and included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year.

Because foreign women frequently are unable to speak the Thai language and are considered illegal immigrants, they particularly are vulnerable to physical abuse and exploitation. Some women are lured into the country with promises of jobs as waitresses or domestic helpers, but end up working as prostitutes. Illegal immigrants have no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under UNHCR auspices do not apply to such women. In June 1999, a memorandum of understanding (MOU) between the Government and several domestic NGO's provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions

to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department. However, implementation of the MOU was erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

Illegal immigrants generally are repatriated as soon as possible; however, in order to implement the new policy of special treatment for victims of trafficking, Department of Public Welfare (DOPW) officials try to pick up underage and illegally entered women arrested for prostitution and house them in one of the government shelter houses. Repatriation is delayed, but not canceled. Victims are encouraged to seek legal action against the traffickers, and they are told by DOPW personnel at the shelters that this is an option. In October nine underage girls from China and Burma, who had been discovered during police raids on sex venues, testified against alleged traffickers in Chiang Mai. However, in general, however, trafficking victims are reluctant to assist in prosecution. This is due to mistrust of the authorities and fear of the traffickers, as well as the victim's limitations in education and language.

The Government faces severe budgetary limitations on its ability to fight trafficking and to aid its victims. Nevertheless, it maintains shelters for trafficked women. Two national committees are directed and empowered to combat trafficking, and these committees coordinate and cooperate with NGO's, as well. The National Committee on Trafficking in Women and Children (NCTWC) is primarily concerned with counter-trafficking efforts within the country, while the National Project Committee on Trafficking in Women and Children in the Mekong Subregion focuses on regional efforts. Local enforcement officers are sometimes ignorant of new laws and regulations designed to protect victims and ignorant of the special requirements of antitrafficking work. Also, police officers do not view antitrafficking as a path to advancement because their superiors do not emphasize it. Narcotics and serious crime are the preferred career concentrations, while the attitude that trafficking also qualifies as serious crime is only slowly developing. Another barrier for stricter enforcement is the court system, which can be cumbersome and time consuming.

TONGA

The Kingdom of Tonga is a constitutional monarchy in which political life is dominated by the King, the nobility, and a few prominent commoners. The judiciary is independent.

The security apparatus is composed of the Tonga Defense Services (TDS) and a police force. The 430-man TDS force is responsible to and controlled by the Minister of Defense, and the police force is responsible to and controlled by the Minister of Police and Prisons. Some members of the police committed human rights abuses.

The country has a population of approximately 105,000 and a per capita gross domestic product of approximately \$2,200. The economy is based primarily on the cultivation of tropical and semitropical crops. The demand for imported goods and products has led to a substantial trade deficit. This deficit has been offset largely by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, tourism.

The Government's human rights record was generally poor in several areas, and the principal human rights abuse remained severe restrictions on the right of citizens to change their government. A relatively small group of commoners vocally challenges the Constitution, arguing for a more representative and accountable government. A member of the police repeatedly beat a prisoner in front of other police officers. Police and prosecutors reportedly used repeated postponements of court dates to harass and intimidate government critics. At times the authorities infringed on freedom of speech and of the press. Some women suffer from domestic violence, and discrimination limits the opportunities available to women. The right to form labor unions is restricted by the absence of regulations establishing procedures for their formation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and inhuman or degrading punishment or other

such treatment; however, in August the Supreme Court awarded a prisoner \$7,000 (14,000 pa'anga) as compensation after the Court determined that a police officer beat the prisoner repeatedly in order to elicit a confession. These beatings took place in front of other officers, and the officer threatened the prisoner with death if he complained. As far as is known, the police officer who administered the beatings was not punished.

Prison conditions are Spartan but reflect local living standards. Church representatives and family members are permitted to visit prisoners. No nongovernmental organizations (NGO's) attempted to monitor prison conditions, and the permissibility of such visits has not arisen.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The Constitution provides for the right to judicial determination of the legality of arrest, and this is observed in practice. There are no statutory limits to the length of time a suspect may be held prior to being charged; however, there were no reports of preventative detention or other lengthy pretrial detention. The law permits unlimited access by counsel and family members to detained persons.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The judiciary generally provides citizens with a fair and efficient judicial process. The judiciary, whose top judges historically have been foreigners, is independent of the King and the executive branch. Judges hold office "during good behavior" and otherwise may not be dismissed during their terms.

The court system consists of the Supreme Court (which has original jurisdiction over all major cases), the police magistrates' courts, a general court, a court martial for the TDS, a court tribunal for the police force, and a court of review for the Inland Revenue Department. The Court of Appeals, as the appellate court of last resort, is the highest court. The King's Privy Council presides over cases relating to disputes over titles of nobility and estate boundaries. The King has the right to commute a death sentence in cases of murder or treason.

The law provides for the right to a fair public trial, and the Government generally respects this in practice. A court may not summon anyone without providing the person a written indictment stating the offenses the person is accused of committing. Defendants are presumed innocent, are entitled to counsel, have a right of appeal, and are entitled to bail; lawyers have free access to defendants.

The police, in cooperation with government prosecutors, allegedly use repeated postponement of court dates and the filing of frivolous charges as a means to intimidate government critics. In one case, a human rights activist was scheduled to appear in court in March as a witness to a theft. He wrote a letter to a newspaper criticizing the Police Ministry and subsequently was charged with abetting theft (see Section 2.a.). His hearing was postponed several times during the year, and he was prevented from traveling out of the country until December, when a magistrate permitted him to visit family members living outside the country.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the authorities infringed on these rights. In March a citizen who was scheduled to appear in court as a witness to a theft wrote a letter to a newspaper criticizing the Police Ministry and subsequently was charged with abetting theft (see Sections 1.e. and 2.d.).

There are eight newspapers and newsmagazines in print: Three weeklies (one of which is government owned); three monthlies; one bimonthly; and one quarterly. There are two privately owned television stations and one government-owned station. The Government owns a radio station, which broadcasts on both AM and FM frequencies. There are three privately owned radio stations.

While there is little editorializing in the government-owned media, opposition opinion appears regularly in the form of letters to the editor alongside government statements and letters. The law allows government officials to bring defamation suits, and suits by such officials and other individuals against media outlets for allowing interviewees to voice allegedly defamatory remarks may have the practical effect of limiting freedom of speech. During the year, government officials filed several defamation suits against the media. However, the national media from time to

time carries comments critical of government practices and policies, including some made by prominent citizens.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

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

The Tonga Broadcasting Commission (TBC) maintains policy guidelines regarding the broadcast of religious programming on Radio Tonga. The TBC guidelines state that in view of “the character of the listening public,” those who preach on Radio Tonga must confine their preaching “within the limits of the mainstream Christian tradition.” This policy applies to all churches. Due to this policy, the TBC does not allow members of the Baha’i Faith to discuss the tenets of their religion, or to refer to the founder, Baha’ullah, by name. Similarly, the TBC does not allow the Mormon Church to discuss its founder, Joseph Smith, or the Book of Mormon by name. Mormons utilize Radio Tonga for the announcement of church activities and functions. Other faiths also utilize Radio Tonga. Members of the Baha’i Faith utilize a privately owned radio station for program activities and the announcement of functions. A government-owned newspaper occasionally carries news articles about Baha’i activities or events, as well as those of other faiths.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respects them in practice. Citizens are free to travel at will within the country and abroad. However, in March a government critic was prevented from traveling abroad by the repeated postponement of the court case in which he was involved (see Sections 1.e. and 2.a.). In December following special representations to a magistrate, he was permitted to visit relatives residing outside the country.

No person is known to have applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen.

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

Citizens do not have the ability to change their leaders or the system of government. The King and 33 hereditary nobles dominate political life. They assert authority largely through control of substantial landholdings and their dominant numbers in the Legislative Assembly (Parliament). While the Constitution allows the monarch broad powers, many of which do not require the legislative branch’s endorsement, the King at times permits “the system” to operate without his guidance. The King appoints the Prime Minister and appoints and presides over the Privy Council (called the Cabinet when the King is not presiding), which makes major policy decisions. The Cabinet is made up of nine ministers and two governors; it includes both nobles and commoners, who serve at the King’s pleasure.

The unicameral Legislative Assembly consists of the Cabinet, nine nobles elected by their peers, and nine representatives elected by the general population. The King appoints the Speaker from among the representatives of the nobles. In 2000 the King appointed his son, Prince Ulukalala Lavaka Ata, as Prime Minister. As Prime Minister, the Prince also holds five other ministerial portfolios, including those of defense and foreign affairs.

Cabinet members and nobles usually vote as a bloc; however, votes related to impeachment charges against a commoner member of the Cabinet demonstrated that nobles and the representatives of the general population may override the Cabinet’s wishes at times. During the year, the establishment of a Parliamentary Committee of Inquiry into a national trust fund account led to the September resignations of the Minister of Justice and the Minister of Education from both their cabinet portfolios and from their positions as trustees of the account.

Very few citizens challenge the retention of the monarchy; the King is greatly respected. However, in recent years, a number of persons both inside and outside the establishment have called for democratic change, usually emphasizing the importance of more government accountability. A prodemocracy movement continued during the year, although it lacks formal structure due to differences of views among its leaders. All nine current representatives of the general population advocate various degrees of democratic reform. Proposals for constitutional revision tend to center on the popular election of all parliamentarians, with the parliamentarians then selecting their speaker. In January the Prime Minister announced that the King had directed the formation of three Cabinet committees to examine the core functions of the government under the Constitution and the law, examine the govern-

ment's other functions, and review the structure of the civil service. No public input was solicited, and the results of the review (which were to be completed in March) had not been announced by year's end.

The percentage of women in government and politics does not reflect accurately their numbers in the population. No woman has ever served as a government minister. There are no female Members of Parliament, although there have been in the past.

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

There are no legal barriers to the formation of domestic NGO's that concern themselves with human rights. Some domestic NGO's include among their interests human rights problems, although none undertakes investigations of alleged violations. No international NGO's are known to have made requests to investigate alleged human rights violations.

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

Social, cultural, and economic facilities are available to all citizens regardless of race or religion; however, members of the hereditary nobility have substantial advantages, including control over most land and a generally privileged status. Nonetheless it is possible for ordinary citizens to rise to cabinet positions in government and to accumulate great wealth and status in the private sector.

Women.—Domestic violence seldom is publicized, but it is a problem, and anecdotal reports suggest that it is increasing. Incidents of wife beating generally are addressed in traditional ways within families or by village elders. Such abuse seldom is reported to the police. Abused wives sometimes return to their families if mediation fails. Cases of domestic violence could be prosecuted under laws against physical assault. There are shelters for abused and troubled women, most church affiliated, and the Free Wesleyan Church runs a hot line for "women in trouble."

Rape is punishable by imprisonment for a term of up to 15 years' imprisonment. However, the law does not recognize domestic rape and specifically states that "carnal intercourse by a man and his wife shall not under any circumstance be deemed rape." During 2000 the police report a marked increase in reports of rape and attempted rape, as well as in such crimes as attempt to have carnal knowledge and indecent assault, and indecent assault upon a child.

Prostitution, which is illegal, also reportedly was increasing.

The country is male dominated, and women generally occupy a subordinate role. For a woman to rise to a position of leadership, she usually must have the support of the nobility or to possess exceptional talent. The King's mother reigned for many years, and a royal princess is one of the country's most prominent businesspersons. Some female commoners hold senior leadership positions in business. Sexual harassment as such is not a crime, but physical sexual harassment can be prosecuted as indecent assault.

Inheritance laws, especially those dealing with land, discriminate against women. Women may lease but not own land. Under the inheritance laws, the claim to his father's estate of a male child born out of wedlock takes precedence over the claim of the deceased's widow or daughter.

The Women and Development Center (formerly the Women's Affairs Unit) in the Prime Minister's office was established in 1993. Although some NGO's initially viewed this unit with suspicion, it appeared to be functioning cooperatively with them. It includes as its objectives the promotion of "the full and equal participation of men, women, and children in economic, social, and cultural development" and the integration of women into the mainstream and enhancing their economic status and role in the economy. Many young, educated women still consider the unit to be ineffective. A government-sponsored National Council of Women has conducted training workshops, especially in rural areas, and contributed to women's social and economic needs.

The Center for Women and Children, an NGO under the auspices of the Catholic Church, focuses on improving the economic and social conditions of women and offers an advisory service to women "in crisis."

Children.—The Government is committed to children's human rights and welfare and provides commensurate funding for children's welfare within the context of the total resources available to it. Education is compulsory from ages 6 to 14. Although it is sometimes criticized as being of poor quality, education is provided for all children through Form 6 (high school). Almost all children attend school.

The Government provides free basic medical care to children. Child abuse is rare and has not become a source of concern in a society in which the extended family participates in child rearing.

Persons with Disabilities.—There are no mandated provisions for accessibility to buildings and services for persons with disabilities. There were no reported complaints of discrimination in employment, education, or provision of other government services. The education of children with special needs has been a longstanding priority of the Queen.

National/Racial/Ethnic Minorities.—In 2000 a member of the royal family commented publicly on what he called the country's "racially based land laws" (foreigners are prohibited constitutionally from owning or leasing land) and stated that a previous spate of violence against Chinese-owned shops was racially motivated. Later in 2000, the hereditary noble of a district in the western part of Tongatapu announced that Chinese-owned stores were banned from his district, and at approximately the same time, the Ministry of Labor, Commerce, and Industries froze the issuing of new licenses for small-scale retail stores. The freeze on issuing new licenses subsequently was lifted, but the hereditary noble's ban (which includes Tongans from outside the district as well) continues at year's end.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form unions under the 1963 Trade Union Act; however, regulations establishing the procedures under which unions may be formed never have been promulgated, and there are no unions. The Friendly Islands Teachers Association and the Tonga Nurses Association are incorporated under the Incorporated Societies Act. However, they have no formal bargaining rights under that act.

The 1963 Act provides workers with the right to strike; however, implementing regulations never have been formulated. There were no strikes during the year.

b. The Right to Organize and Bargain Collectively.—Since no unions have been formed, collective bargaining is not practiced.

Labor laws and regulations are enforced in all sectors of the economy, including in the two small export zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor including forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Although there is no legislation prohibiting child labor, it does not exist in the wage economy. The Government prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

The country is not a member of the International Labor Organization (ILO) and therefore has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There is no minimum wage law, although there are government guidelines for wage levels. Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industries, limit the workweek to 40 hours. The Ministry of Labor enforces laws and regulations reasonably well in the wage sector of the economy, particularly on the main island of Tongatapu. Enforcement in the agricultural sector and on the outer islands is limited.

Industrial accidents are rare, since few industries exist that would expose workers to significant danger; thus, the Government seldom addresses industrial safety standards, including the right of workers to remove themselves from dangerous work situations.

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

TUVALU

The country has been independent since 1978, and its Constitution provides for a parliamentary democracy. The Head of State is the Queen of England, represented by the Governor General, who must be a citizen of Tuvalu. The judiciary is independent.

A 70-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The country has a population of approximately 10,000 persons on 9 atolls in the central South Pacific Ocean. The primarily subsistence economy relies mainly on coconuts, taro, and fishing. With donor assistance, Tuvalu has developed a well-man-

aged trust fund, which is supplemented by significant annual payments for use of its international telephone-dialing prefix. An agreement for use of the country's Internet country code, ".tv," has increased national revenues significantly. Remittances from citizens working abroad as well as the sale of postage stamps and of fishing licenses to foreign vessels provide additional foreign exchange. The country's isolation limits economic development.

The Government generally respected the human rights of its citizens, and the society is generally egalitarian; however, social behavior, as determined by custom and tradition, is considered as important as the law, is ensured by village elders, and leads to some social discrimination. Women traditionally occupy a subordinate role, with limits on their job opportunities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them. Local hereditary elders exercise considerable traditional authority—including the right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law; however, corporal punishment is seldom invoked.

There are two prison facilities: One consists of several holding cells near the airport; the other is at the back of the police station. It is rare for a prisoner to spend as long as a week in a cell; more commonly, a person is incarcerated overnight because of drunkenness. While prison conditions are somewhat Spartan regarding food and sanitation, complaints appear to be minimal or nonexistent. Prison conditions generally meet international standards.

There are no local human rights groups, and the question of prison monitoring by them has not arisen. Visits by church groups and family members are permitted.

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

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

The judicial system consists of the higher courts: The Privy Council, the Court of Appeal, and the High Court; and the lower courts: The senior and resident magistrates, the island courts, and the land courts.

The Chief Justice, who is also Chief Justice of Nauru, sits on the High Court approximately once a year.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. The Constitution provides that accused persons must be informed of the nature of the offenses with which they are charged and be provided the time and facilities required to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided by law. Procedural safeguards are based on English common law. An independent people's lawyer is required by statute. The services of this public defender are paid by the Government and available to all citizens without charge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and of the Press.—The Constitution provides for freedom of speech and of the press, and the Government generally 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.

The sole radio station is under government control. A government-owned television station broadcasts 3 hours per week. The Office of the Prime Minister and the Department of Telecommunications in the Ministry of Works manage Internet services; there are no government limits or controls over the Internet.

Academic freedom is respected.

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

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

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

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person has applied for refugee status, and the issue of the provision of first asylum has never arisen. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens freely and directly elect a 15-member unicameral Parliament whose normal term is 4 years. Each of the country's nine atolls is administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The Cabinet consists of the Prime Minister, elected by secret ballot from among the Members of Parliament, and four other ministers, appointed and removed from office by the Governor General with the advice of the Prime Minister. The Prime Minister may appoint or dismiss the Governor General on behalf of the British monarch. The Prime Minister may be removed from office by a parliamentary vote of no confidence. On February 24, Faimalaga Luka was elected Prime Minister following the death of his predecessor, Ionatana Ionatana. Luka was defeated in a vote of no confidence on December 7; Kaloa Talake was elected Prime Minister on December 13. There are no formal political parties.

The percentage of women in government and politics does not correspond to their percentage of the population, largely due to cultural traditions. At present there are no female Members of Parliament.

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

While no known barriers block their establishment, there are no local nongovernmental organizations concerned with human rights. There have been no allegations of human rights violations by the Government and no known requests for investigations.

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

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government observes these prohibitions. However, the traditional culture has limited women's job opportunities.

Women.—Violence against women is rare. Domestic violence is rising, but it is still relatively infrequent and has not become a source of societal concern. There is little public discussion of the problem.

Prostitution and sex tourism are illegal; legislation in 2000 abolished phone sex companies. There are no laws prohibiting sexual harassment, and there were some cases of sexual harassment during the year.

Women increasingly hold positions in the health and education sectors and also are more active politically. In 2000 the Government established a women's department in the Ministry of Internal Affairs to recognize officially the importance of women in society; however, it took no significant action this year.

Children.—The Government provides commensurate funding for children's welfare within the context of its total available resources. Education is compulsory for children from age 6, through 13 years of schooling. Students compete for academic scholarships to attend university level education overseas; otherwise, they participate in vocational training focusing on subsistence farming and maritime training for men and computer or other business training for women.

The Government provides free medical care through age 18.

There were no reports of child abuse.

In March 2000, a fire destroyed a girls' boarding school, with 19 fatalities. A government investigation completed in April 2000 found that no negligence occurred. The Government undertook to improve safety standards at schools, and standards reportedly improved during the year.

Persons with Disabilities.—There were no known reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no mandated accessibility provisions for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association. Workers are free to organize unions and choose their own labor representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded.

In the public sector, civil servants, teachers, and nurses—who total fewer than 1,000 employees—are grouped into associations that do not have the status of unions. The only registered trade union, the Tuvalu Seamen's Union, has about 600 members who work on foreign merchant vessels. Unions may affiliate with international bodies. The Seamen's Union is a member of the International Transportation Workers' Federation.

The country is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, the practice in the private sector is for wages to be set by employers. For both the private and public sectors, the legal procedures for resolving labor disputes are seldom used; instead, the two sides normally engage in nonconfrontational deliberations in the local multipurpose meeting hall.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 14 from working. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children rarely are employed outside the traditional economy.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage, set administratively by the Government, is sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public (government) sector is \$75.66 (\$A130). This rate applies regardless of sex and age. In most cases, the private sector adopts the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. The workday by law is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. Specific provisions of the law provide for the protection of female workers. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but it provides only minimum enforcement.

Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; legal foreign workers also are protected by the law.

f. Trafficking in Persons.—The law prohibits procurement of persons within and across borders for purposes of prostitution, but it does not mention or prohibit trafficking specifically. However, there were no reports that persons were trafficked to, from, or within the country.

VANUATU

Vanuatu, a small South Pacific island nation that gained independence from Britain and France in 1980, has a parliamentary form of government. The Constitution provides for parliamentary elections based on universal suffrage every 4 years through which citizens may freely change their government. Parliamentary majorities have been unstable. The 52-member Parliament elects the Prime Minister as the Head of the Government and the President, who is the Head of State. The latter's powers largely are ceremonial, except when appointing judges or acting on the advice of the Council of Ministers, who are appointed by the Prime Minister.

Political legitimacy is based on majority rule. The courts generally are independent of executive interference.

The civilian authorities control the small police force and its paramilitary wing, the Vanuatu Mobile Force (VMF). The police commissioner commands the entire force, including the VMF.

Subsistence farming and fishing are the principal livelihood for more than 80 percent of the population of approximately 193,000. There is also some production of cash crops including copra and cocoa, as well as cattle farming. The service sector provides most formal employment, primarily in government, tourism, and an off-shore financial sector, and represents the largest component of the country's gross domestic product.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas, including poor prison conditions, an extremely slow judicial process, and violence and discrimination against women. A leading newspaper publisher was deported in January based on his political coverage.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Constitutional provisions prohibit such practices, and there were no reports that government officials employed them.

In November 1999, based on a lack of evidence, the presiding magistrate dismissed the case against 18 police officers charged with the intentional assault of rioters in Port Vila in January 1998. At year's end, the status of the Supreme Court's review was unknown.

Prison conditions were poor. The central prison in Port Vila was dilapidated and not reliably secured. There were approximately 30 prisoners. The sole female prisoner was held at the barracks for female police officers.

Inmates were treated humanely, to the extent allowed by the meager resources of the prison system. The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these provisions in practice. However, in January the Government deported a leading newspaper publisher without notice (See Section 2.a.). A warrant issued by the court is required for an arrest.

The constitutional provision that suspects must be informed of the charges against them and given a speedy hearing before a judge is observed in practice. A system of bail operates effectively and lengthy pretrial detention was not a problem.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. Judges cannot be removed without cause. There were no reports of interference with the judiciary by the present Government. The judiciary generally provides citizens with a fair judicial process; however, the judiciary is relatively weak and inefficient. Defendants spend extended periods in detention due to judicial inefficiency.

Magistrates' courts deal with most routine legal matters. There is also a Supreme Court, and above the Supreme Court, there is an Appeals Court with three judges, two of whom are appointed by the President and chosen from among Supreme Court judges in other South Pacific nations as required.

The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right of judicial determination of the validity of arrest or detention, and a right of appeal to a higher court.

Judges, prosecutors, and the police complained about large backlogs of cases in the courts due to a lack of resources and limited numbers of qualified judges and prosecutors. Procedures were changed during 2000 to allow the public prosecutor to present new cases to the magistrates more frequently; however, the procedural changes did not accelerate the prosecutor's action significantly. Years can pass before a case is brought to trial.

The 26 members of the VMF accused of kidnaping public officials in the course of a mutiny in 1996 were released after 3 months of detention; charges against them were dropped. A few of the members were not allowed to remain in the VMF; others continue to serve in the force.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution (or the law) prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

The Government controls much of the country's media, including a weekly newspaper, one AM and one FM radio station, and a limited-service television station whose broadcasts are limited to the capital, Port Vila. The television station provides English and French news service three times weekly. There is one independent newspaper published semiweekly and another weekly newspaper published by a political party. A new privately owned weekly newspaper, *The Presse*, began publication during the year.

Throughout the year, most international correspondents, government-owned media, and the independent press reported criticisms of political leaders freely and apparently without hindrance. However, in January the Government ordered the deportation of a leading newspaper publisher, Mark Neil-Jones of the *Trading Post*, on the grounds that he had revealed State secrets in his political coverage of government corruption. The Ombudsman and the leader of the opposition criticized the deportation, and it was overturned by the Acting Chief Justice a week after Neil-Jones was deported. The Acting Chief Justice ordered the Government to allow the publisher to return and resume his business, and he has done so. In addition some individual politicians and their supporters, sensitive to public criticism, at times threatened the media but without any apparent effect on press freedom.

The Government does not limit access to the Internet; however, few citizens can afford computers or access to the Internet.

Academic freedom is respected.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Missionaries of various Christian denominations work without restriction.

In 1995 in response to concerns expressed by some established churches about the activities of new missionary groups, such as the Holiness Fellowship, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints, Parliament passed the Religious Bodies Act, which requires religious organizations to register with the Government. However, the President never signed the act, and it never has been enforced.

A few churches registered with the Government voluntarily, while a few church representatives believe that that the Religious Bodies Act had a chilling effect on new missionary activity. There has been no effort to repeal the act; however, it remains dormant and is not regarded as inhibiting religious practice.

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

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen. There were no refugee cases reported during the year. The Government has no association with the UNHCR. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for parliamentary elections based on universal suffrage every 4 years, through which citizens may freely change their government. The 52 member Parliament elects the Prime Minister as the Head of Government and the President, who is the Head of State. The President's powers largely are ceremonial except when appointing judges and acting on the advice of the Council of Ministers. Parliamentary majorities have been unstable, with frequent votes of confidence. National elections were held in March 1998, which outside observers considered to have been generally free and fair. A total of 216 candidates contested 52 seats. Voter turnout was 63.6 percent. Following a vote of no confidence in April, Edward Natapei of the Vanua'aku Party assembled a parliamentary majority and formed the Government shortly thereafter.

The percentage of women in government or politics does not reflect accurately their numbers in the population. Traditional attitudes, in which men are dominant and women frequently are limited to customary family roles, hamper women from becoming more active in economic and political life. Six women, including the sole sitting female member, ran for Parliament in 1998; none were elected.

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

There are no restrictions on the formation of local human rights organizations. Some nongovernmental organizations (NGO's), such as the National Council of Women and the Family Health Association, include human rights education as part of their programs.

A number of domestic and international human rights groups, such as Transparency International, operate without government restriction; they investigate and publish their findings on human rights cases. Government officials tolerate their views.

An Ombudsman's Act was passed by Parliament in 1998 in the wake of parliamentary anger over vigorous investigations of corruption by the Ombudsman under the previous act. Among other provisions, it requires that members of the Ombudsman's staff be appointed by the Public Service Commission rather than by the Ombudsman and provides that persons interviewed by the Ombudsman may have legal representation present at the interview.

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

The Constitution prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinions, language, or sex; however, women remain victims of discrimination in the tradition-based society.

Women.—Violence against women, particularly wife beating, is common, although no accurate statistics exist. There are no specific laws against wife beating; courts occasionally prosecute offenders using common law assault as a basis for prosecution. However, most cases of violence against women, including rape, go unreported because women, particularly in rural areas, are ignorant of their rights or fear further abuse. Spousal rape is not a crime and, in addition, police are frequently reluctant to intervene in what are considered to be domestic matters. There are no reported government programs to address domestic violence, and media attention to the abuse is limited.

Prostitution is illegal, and it is not regarded as a problem. Sex tourism is not prohibited specifically, but it is not a problem.

Sexual harassment is a problem; however, it is not prohibited, and it is not a priority for the police and judiciary.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. During 2000 in the course of a downsizing in the public service, a disproportionate number of women's positions were abolished. During 2000 policies to guide the Department of Home Affairs in protecting and furthering the rights of women were being drafted under the Government's reform program; however, they were not completed during the year.

The majority of women enter into marriage through "bride-price payment," a practice that encourages men to view women as property. Women also are inhibited by tradition from owning land, and at least one women's advocate believes this limitation underpins their secondary status. Many female leaders view village chiefs as major obstacles to women attaining social, political, and economic rights. Women interested in running for public office received encouragement and help from an NGO, Vanuatu Women in Politics (VANWIP). Four of the six women who ran for Parliament in the 1998 election were supported by VANWIP.

Children.—Access to education is limited, and school attendance is not compulsory. Few children advance beyond elementary school. Boys tend to receive more education than girls. A significant portion of the population, perhaps as high as 50 percent, is functionally illiterate.

Medical services are free, and there is a program of immunization; however, the Government has few resources for medical care, particularly in outlying provinces where there are no hospitals.

Child abuse is not extensive; however, the Government has done little to combat the problem. NGO's and law enforcement agencies reported increased complaints of incest and rape of children in recent years although no statistics are available.

Children generally are protected within the traditional extended family system. Members of the extended family, particularly paternal uncles, play an active role in a child's development. As a result, virtually no children are homeless or abandoned.

Persons with Disabilities.—There is no governmental or national policy on persons with disabilities and no legislation mandating access to buildings for them. Their protection and care is left to the traditional extended family and to voluntary NGO's. Due to high rates of unemployment, there were few jobs available for persons with disabilities.

Persons with mental illness typically do not receive specialized care; usually they are attended by members of their extended families.

National/Racial/Ethnic Minorities.—Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally are concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes that inhabit it, and it cannot be sold, although it sometimes is leased to others. However, within the limits of this system of land tenure, there were no reports of discrimination against noncitizens. There is no evidence to suggest a pattern of ethnic discrimination in the provision of the limited basic services that the Government provides.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to organize and join unions. There are no restrictions on this right.

Approximately 25,000 persons participate in the formal economy as wage earners. Combined union membership in the private and public sectors is approximately 1,000. All five existing trade unions are independent of the Government. They are grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU).

The high percentage of the population still engaged in subsistence agriculture and fishing precludes extensive union activity. In addition membership in the Vanuatu Public Servants Union fell dramatically following the Government's wholesale dismissal of hundreds of full-time public servants during a protracted general strike in 1994. The Supreme Court in 1994 ruled that the union had not complied with its own rules when it undertook the general strike and declared the strike illegal. Combined union membership in the private and public sectors was approximately 1,000. There were no categories of workers who were not permitted to join unions.

The law prohibits retaliation if a strike is legal. In the case of private-sector employees, violations would be referred to the Labor Department for conciliation and arbitration. In the public sector, the Public Service Commission would handle violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers.

There was no significant strike activity during the year.

Unions may not affiliate with international labor federations without government permission. The VCTU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Unions exercise the right to organize and bargain collectively. Labor unions negotiate wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the Minister of Home Affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the magistrate's court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reach agreement on wages without having to refer the matter to arbitration. Complaints of antiunion discrimination are referred to the Commissioner of Labor; however, none were reported during the year. While the law does not require union recognition, once a union is recognized, it prohibits antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under 12 years of age from working outside of family-owned agricultural production, where many children assist their parents since most of the population does not participate in the cash economy. The employment of children from 12 to 18 years of age is restricted by occupational category and conditions of labor, that is, restrictions on employment in the shipping industry and on nighttime employment. The Labor Department effectively enforces these laws.

The country has not ratified ILO Convention 182 on the worst abuses of child labor.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—A legislated minimum wage is enforced effectively by the Labor Department. Since 1995 it has been a flat rate of approximately \$143 (16,000 vatu) per month for both urban and rural workers. The minimum wage does not provide a decent standard of living for an urban worker and family. Most families are not dependent solely on wages for their livelihoods; they supplement their incomes through subsistence farming.

Various laws regulate benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that includes at least one 24-hour rest period. The Employment Act, enforced by the Labor Department, includes provisions for safety standards. However, the safety and health law is inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Labor Department is insufficient to enforce the law fully. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

There are few foreign workers. Those present in the country were primarily managers, professionals, and entrepreneurs.

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

VIETNAM

The Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Vietnamese Communist Party (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensure the primacy of party Politburo guidelines and enable the Party to set the broad parameters of national policy. In recent years, the Party gradually has reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remains subject to party direction; however, the Government continued to strengthen the capacity of the 450-member National Assembly and to reform the bureaucracy. The National Assembly, chosen in elections, last held in 1997, in which most candidates are approved by the Party (about 85 percent of delegates are Party members) played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was active in revising legislation, criticizing officials' performance, screening ministerial and other senior candidate appointments, and dismissing senior officers. The judiciary remains subservient to the CPV and to external pressure and influence by the Government.

The military services, including the border defense force, are responsible for defense against external threats. The military forces are assuming a less prominent role as the ultimate guarantor of internal security, which primarily is the responsibility of the Ministry of Public Security (MPS). However, in some remote areas, the military forces are the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. It enforces laws and regulations that significantly restrict individual liberties and violate other human rights. It also maintains a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities. However, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. Members of the public security forces committed numerous human rights abuses.

The country of approximately 80 million persons is undergoing transition from a centrally planned to a market-oriented economy. Estimated annual gross domestic product (GDP) per capita is \$402. The Asian financial crisis caused a significant slowdown but economic growth rebounded over the past 2 years. GDP growth for the year officially was targeted at 7.5 percent, but the global economic slowdown and its impact on the country's export markets likely has kept growth somewhat below that goal. Agriculture, forestry and fishery employ 62.5 percent of the labor force, and account for 24.3 percent of total output. Industry and construction contribute 36.6 percent, while services account for 39.1 percent. Crude oil is the coun-

try's key export and foreign exchange earner, generating \$2.4 billion in export revenues during the first 8 months of the year, followed by textile and garments (\$1.3 billion), aquatic products (\$1.2 billion) and footwear (\$1 billion). Two of the country's traditionally largest exports, rice and coffee, suffered from a continued slump in world market prices. During the year, disbursed official development assistance was \$1.5 billion, roughly 4.7 percent of GDP. Particularly in Ho Chi Minh City (HCMC) and Hanoi, economic reforms have raised the standard of living and reduced party and government control over, and intrusion into, citizens' daily lives. However, many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, central highlands, and the central coastal regions continue to live in extreme poverty. The Government is making significant expenditures to improve the economy and services in these areas. Gains from agricultural reform in recent years have improved the lives of many farmers, but the rural poverty level is approximately 30 percent.

The Government's poor human rights record worsened in some respects and it continued to commit numerous, serious abuses. The Government continued to repress basic political and some religious freedoms and abuses by the Government increased. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government, the authorities continued to deny citizens the right to change their government. Prison conditions remain harsh, particularly in some isolated provinces. Police beat suspects during arrests, and sometimes beat suspects during detention and interrogation. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, increased. The judiciary is not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Although thousands of prisoners had their sentences reduced in two general amnesties during the year, it is unknown whether any political or religious prisoners were among them. On October 19, a Catholic priest, Father Nguyen Van Ly, was sentenced to an unusually harsh 15 years in prison. The Government restricts citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent. In response to sometimes violent demonstrations by ethnic minorities in the Central Highlands, the Government sent in military troops augmented by civilian militias and temporarily closed off almost all access to the area by foreigners. Security forces reportedly committed numerous abuses including beating suspected demonstrators, although limited access to the area make these reports difficult to confirm.

The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and assembly to express grievances. During the National Assembly's December session, the Government permitted several small demonstrations in Hanoi. However, on at least four occasions, police in Ho Chi Minh City (HCMC) prevented demonstrators from camping out on a sidewalk to stage a sit-in, but on one occasion, they allowed a group of protesters to march down city streets for a 2-day period. Police in HCMC also allowed a short demonstration in front of a foreign diplomatic office in September. The Government prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and bans the operation of religious organizations other than those approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. In April the Government bestowed official recognition on a Protestant organization in the southern part of the country. Since April member congregations, as well as several congregations not associated with the organization, experienced decreased harassment by security officials. In July a festival gathering of up to 300,000 Hoa Hao in An Giang province took place with official permission, and in August an estimated 15,000 persons attended the Roman Catholic La Vang pilgrimage. The Government imposes some limits on freedom of movement of particular individuals whom it deems threatening to its rule. The Government does not permit local private human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution is a problem. Government and societal discrimination against some ethnic minorities is a continuing problem. The Government restricts some core worker rights, such as freedom of association, although the Government is cooperating with the International Labor Organization (ILO) and international donors to improve implementation of the existing Labor Law and draft or amend labor and labor-related legislation. Child labor is a problem. There were reports that children worked in exploita-

tive situations. Prisons reportedly required inmates to work for little or no pay. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to mainland China and Taiwan for arranged and forced marriages. The Government continued efforts to combat these problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—Early in the year, at least one extrajudicial killing reportedly occurred during the ethnic clashes in the Central Highlands. On March 10, in Plei Lau Village in Gia Lai Province, hundreds of soldiers and police clashed with hundreds of ethnic minority persons; two or three soldiers reportedly shot and killed a civilian who had threatened another soldier with a spear. Reports suggest that there were at least three or four other killings by security personnel related to the ethnic unrest in the Central Highlands; however, these cannot be confirmed because independent outside observers were unable to reach the area until July, and even then had limited access. Government officials denied any killings related to the ethnic unrest (see Section 2.b.).

b. Disappearance.—There were reports of more than 40 disappearances related to ethnic unrest in the Central Highlands, but the reports cannot be confirmed by independent outside observers. Some of the individuals who reportedly disappeared may have gone into hiding (see Section 2.b.). Others may be among the hundreds who fled to Cambodia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits physical abuse; however, police beat suspects during arrests. In the course of the suppression of the ethnic unrest in the Central Highlands, security personnel reportedly beat many of the demonstrators and used tear gas, water cannons, and electric prods in putting down the demonstrations.

Several sources report that on March 10, up to 300 villagers who had gathered in a Protestant church in Plei Lau village of Phu Nhon district clashed with up to 700 police officers and soldiers who used tear gas and electric prods to disperse the crowd. One person reportedly was killed and at least two others were wounded when police opened fire. The security forces reportedly forced villagers to burn the church later that day.

In December 2000, during an unauthorized demonstration by Hoa Hao followers, police intervened to separate scuffling groups, and using batons beat one follower, Truong Van Duc, so severely that he required hospitalization.

Prison conditions are harsh, but do not generally threaten the lives of prisoners. There were no reported differences in male and female death rates in prison. Overcrowding, insufficient diet, and poor sanitation remained serious problems. Prison guards sometimes treat prisoners badly and frequently beat them. Inmates punished with solitary confinement are stripped and locked in a small windowless shed for days or even weeks at a time. They are given one small bowl of rice for lunch and dinner and a single bucket of water each day. Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. The pretrial detention system provides few rights. Prisoners who await trial and remain “under investigation” sometimes experience harsher conditions than those convicted and sentenced. After trial a prisoner is sent to a different location. Most prisoners have access to basic health care. Prisoners with money can improve their conditions by purchasing supplemental food, medicine, and privileges. However, some political and other prisoners were denied visitation rights, and there were reports that some prisons required inmates to work for little or no pay (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain health, especially in remote, disease-ridden areas. Although political and religious prisoners are held under harsh conditions in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai province, with limited medical care, there is no evidence to suggest their conditions are significantly different than those for the regular prison population.

The Government did not permit independent monitoring of its prison and detention system.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The Criminal Procedure Code provides for various rights of detainees, including time limits on pretrial detention and the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards. Moreover, a directive on

administrative probation gives security officials broad powers if they believe that a suspect is a threat to "national security."

A revised Criminal Code came into effect in July 2000. The revised Code places more strict limits (12 months) on the time allowed for the procuracy (the office which investigates cases and initiates public prosecutions) to end its investigation, and allows less time for the judge's panel (a body consisting of at least one judge and one lay assessor [see Section 1.e.]) to rule on a case. Prior to being formally charged, a detainee has a statutory right to notify family members. However, in most cases the police inform the family of the detainee's whereabouts. Prior to being charged the detainee may contact a lawyer if permitted by the head of the investigating office; following a formal charge the detainee has a statutory right to contact an attorney.

The Supreme People's Procuracy approves the issuance of arrest warrants. However, police may make an arrest without a warrant on the basis of a complaint filed by any party alleging the commission of a crime. The MPS may prohibit contact between a detainee and his lawyer as long as the procurator's office is investigating a case, which may be up to 1 year and may be without formal charges. In general, time spent in pretrial detention counts toward time served upon conviction and sentencing.

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the State.

Prisoners who are "under investigation" sometimes experience harsher conditions than those who have been convicted and sentenced to prison terms (see Section 1.c.). No official statistics are available on the percentage of the prison population that consists of pretrial detainees or the average period of time that such detainees have been held.

It is difficult to determine the exact number of political detainees, in part because the Government usually does not publicize such arrests and because the Government does not consider these persons to be detained for political reasons. Among those persons detained for political or religious activities during the year and still awaiting trial at the end of the year are: Vo Tan Sau, Phan Thi Tiem, and Tran Thi Duyen. In addition, it is unknown whether several persons detained in previous years ever have been tried, including: Le Huu Hoa, Dinh Troi, Va Sinh Giay, Phang A Dong, Ma Van Chinh, and Lu Seo Dieu.

The Government continued to isolate certain political and religious activists by placing restrictions on their movements and by pressuring the supporters and family members of others. The Government continued to utilize its 1997 decree on "administrative probation," which gives authorities extremely broad powers to place persons under surveillance, to monitor citizens closely, and to restrict movement. The regulations define "administrative probation" as an administrative penalty imposed on persons over the age of 18 who break the law and violate national security, as determined by the definition of crimes in the Criminal Code, but whose offenses are not at the level that warrants "criminal responsibility." The "probation" can last from 6 months to 2 years; persons under administrative probation must live and work in designated places, and remain subject to the "management and education of the local administration and people." The MPS is the lead agency in implementing the decree and uses these measures mainly against suspected political and religious activists.

To put someone under administrative probation, the chairperson of a district people's committee first collects dossiers on the person recommended for probation, then submits the dossiers to the chairperson of the Provincial People's Committee for a final decision. The district police, people's committees, wards, and townships all help collect information for the dossier. The dossier includes a person's curriculum vitae, his or her past criminal record, as well as any comments from the people's committee, the Vietnam Fatherland Front (VFF, the mass front organization controlled by the Communist Party), and the district police. The chairperson of the Provincial People's Committee uses the information to make a final decision on the probation. In effect, the decree allows the MPS to place persons under house arrest without trial for up to 2 years. On May 12, 2000 biologist Ha Sy Phu, who had circulated articles calling for democracy, was restricted to his house under probation and told he was being investigated for treason. On January 5, the treason charges were dropped, but on February 9, his administrative probation was re-instituted. In July the Chairman of the People's Committee of Lam Dong Province told visiting foreign diplomats that Phu had violated the law by denouncing the achievements of the country and its founding fathers. He added that as a biologist, Phu had no business meddling in politics (see Section 2.a.). Other persons confined under administrative probation during the year include Hoa Hao elders Le Quang

Liem and Nguyen Van Dien and Catholic Father Nguyen Van Ly (who was later arrested, charged, tried, and sentenced) (see Section 2.c.). Reform activist Nguyen Thanh Giang may go to and from his residence, but is restricted from traveling outside Hanoi.

Upon release from prison, persons may be subject to administrative detention for a period up to 5 years. These provisions are enforced unevenly. After his release from prison in 1998, Thich Quang Do was able to travel freely, albeit closely monitored. However, since June, after he attempted to organize an unauthorized delegation of monks to Quang Ngai Province, he has been confined incommunicado and under guard to his living quarters. His phone lines were cut, and he is unable to receive visitors (see Section 2.c.). Nguyen Dan Que, also released from prison in the 1998 amnesty, may travel outside his residence but rarely does so because of the intimidation of security police who follow him closely. He rarely receives visitors, and police have shut off his phone and fax (since May 2000), and his Internet, and e-mail (since June 1999).

Some persons are held under conditions resembling house arrest without known legal pretext. Thich Huyen Quang, Supreme Patriarch of the banned Unified Buddhist Church of Vietnam (UBCV), has been confined to a pagoda in Quang Ngai Province since 1982. Provincial police reportedly told him in 1997 that his term of detention had officially concluded. Rather than allow him to return to his previous residence, Ho Chi Minh City, authorities reportedly pressured him to register the isolated pagoda in Quang Ngai as his official permanent residence. Although he refused, he has not been allowed to leave the pagoda (see section 2.c.). Similarly, Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982. However, since he suffered a stroke in 1998, authorities have allowed him to travel to HCMC for monthly medical check-ups (see Section 2.c.). Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan province since 1979. He has been allowed to travel outside the village since 1986, but must ask for the permission of local authorities first.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of judges and jurors; however, in practice the Party controls the courts closely at all levels, selecting judges at least in part for their political reliability. Constitutional safeguards are significantly lacking. Credible reports indicate that party and government officials, including top leaders, instruct courts how to rule on politically important cases. CPV and government officials may exert influence over court decisions by pressuring both the lay assessors and the judges who sit on a panel together to decide cases. The CPV has strong influence over high-profile cases, or in cases where a person is charged with challenging or harming the CPV or the State. The National Assembly votes for judicial nominees presented by the President for Supreme People's Court (SPC) President and Supreme People's Procurator. The National Assembly also controls the judiciary's budget, including judges' salaries, while the executive branch pays judges' salaries at the local level. By contrast, the procuracy, also a separate branch that reports to the National Assembly, has a unified line of command and controls its own budget. The President appoints all other judges.

The system of appointing judges and lay assessors also reflects the lack of judicial independence. Court panels at all levels include judges and lay assessors. However, while lay assessors help decide cases, they have little legal training. District and provincial people's councils appoint the lay assessors at the lower levels. The Standing Committee of the National Assembly appoints and discharges the SPC lay assessors. The VFF must approve candidates for SPC lay assessors. The President appoints the District People's Court and Provincial People's Court judges to 5-year terms. The President also appoints SPC judges. The CPV's influence over the courts is amplified both because the people's councils appoint the lay assessors, and because the judges serve limited terms and are subject to review.

The judiciary consists of the Supreme People's Court, the local people's courts, military tribunals, and other tribunals established by law. Each district throughout the country has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a Provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The Ministry of Justice administers most district and provincial courts, and the National Assembly administers the SPC. The judiciary also includes military tribunals, economic courts, labor courts, and administrative courts that resolve disputes in those specialized fields. Administrative courts deal with complaints by citizens about official abuse and corruption. The economic and administrative courts have

addressed few cases since their creation in 1994 and 1995, respectively. Local mass organizations, such as those under the VFF, are empowered to deal with minor breaches of law or disputes. In addition the CPV and Government have set up special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence on the convicted. The relevant people's council appoints lay assessors, who are required to have high moral standards but need not have legal training. The legal institutional framework and legal culture, which favor the procuracy over the judiciary and preserve a presumption of guilt in criminal cases, constitute a major obstacle to free and fair trials. Although the Constitution asserts that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who are charged with a crime are convicted.

Many judges and other court officials lacked adequate legal training, and the Government conducted training programs to address this problem. A number of foreign governments and the U.N. Development Program provided assistance to the Government to strengthen the rule of law and develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined the Government's efforts to develop a fairer, more effective judicial system.

The amendments to the Criminal Code in July 2000 defined crimes more precisely than the previous code. The new code provides two or three levels of punishment for each crime, depending on the crime's seriousness and circumstances. The new code also provides "punishment brackets" (a range of possible fines or prison sentences) for a larger percentage of the crimes; less than 10 percent have no punishment bracket at all. The changes were intended to discourage abuse by law enforcement officials, allow courts to render verdicts and punishments more appropriate to the particular offense, hinder arbitrary sentencing by judicial panels, and allow crime to be punished more uniformly.

District courts may adjudicate cases for 346 of the 672 crimes defined in the country's legal statutes. The other 326 types of crimes (generally more serious) are adjudicated at the provincial level. In June the National Assembly rejected a bill that would have given district courts authority over 516 types of crimes. According to several National Assembly delegates the legislators were concerned that the change could have led to miscarriages of justice and an unnecessary increase in the prison population (see Section 3).

There is a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there is a 20 percent shortage of qualified judges. The shortage ranges from 30 to 40 percent at the provincial level, according to a U.N. official. Low salaries hinder the development of a trained judiciary. The few judges who have formal legal training often have studied abroad in countries with Socialist legal traditions and are slow to change. Young educated judges have little influence within the system.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers makes this provision impossible to enforce. With few qualified attorneys, the procurator often handles both the prosecution and the defense, resulting in legal counsel that frequently is of little help to the defendant. Consistent with its Marxist-Leninist political system, the Government requires that the Bar Association be a subordinate part of the VFF. At the provincial level, the Bar Association is subordinate to representatives of the central Government, the VFF, the provincial people's council, and the people's committee.

Trials generally are open to the public; however, judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, in political cases, there are credible reports that defendants are not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Little information is available on the extent to which defendants and their lawyers have time to prepare for trials. Those convicted have the right to appeal.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There are no reliable estimates of the number of political prisoners, in part because the Government usually does not publicize such arrests, and sometimes conducts closed trials and sentencing sessions. Informed sources estimated that there were up to 150 political prisoners. However, many of the names included on these lists are difficult to verify. The number of confirmed political prisoners is much lower than 150. Ho Van Trong and Truong Van

Duc received prison sentences during the year for religious activities. Among the many others believed to be imprisoned at year's end for peaceful political and religious activities are political activist Nguyen Dinh Huy, journalist Pham Thai, and religious persons Truong Van Thuc, Nguyen Chau Lan, Le Van Nhuom, Vo Van Buu, Ha Hai, Nguyen Duy Tam, Le Minh Triet, Le Van Tinh, Le Van Son, Nguyen Van Dau, Thich Nhu Dat, Thich Hai Tang, Thich Phuc Vien, Thich Thien Minh, Thich Tien Tan, Thich Hue Dang, Thich Thanh Tinh, Thich Tri Tuu, Pham Minh Tri, Nguyen Thien Phung, Nguyen Minh Bao, Nguyen Van Ly, and Ly A Cho.

The Government claims that it does not hold any political and religious prisoners and that persons described as political prisoners were convicted of violating national security laws.

The country's newspapers reported that more than 5,100 prisoners received a reduction in their sentences in April and September. It is unknown whether any political or religious prisoners were among them.

The Government does not allow access by humanitarian organizations to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy of home and correspondence; however, the Government restricts this right significantly. Household registration and block wardens systems exist for the surveillance of all citizens, but are used with less vigor and thoroughness than in the past, and rarely intrude on most citizens. The authorities largely focused on persons whom they regarded as having views critical of the Government, or whom they suspected of involvement in unauthorized political or religious activities, and, for example, government informants who attend worship services share information concerning the activities of the congregation and clergy with government and party officials. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence. However, these requirements rarely are enforced; many citizens move around the country to seek work or to visit family and friends without being monitored, and many families who sought employment moved to other locations without prior government permission. However, there were reports that some "spontaneous migrant" families have been unable to obtain household registration or residence permits in their new locations, causing them legal and administrative problems. In urban areas, most citizens were free to maintain contact and work with foreigners, but police questioned some individual citizens and families of citizens with extensive or close relations with foreigners. In theory, the Government requires that citizens who work for foreign organizations be screened and hired through a government service bureau. Laws governing foreign business enterprises are more lenient. In practice, many foreign organizations and enterprises hire their own personnel and only "register" them with the service bureau or employment bureau.

The Government opened and censored targeted persons' mail, confiscated packages, and monitored telephone, electronic mail, and facsimile transmissions. However, this practice appeared to be sporadic and is not applied consistently. The Government monitors e-mail, searching the text for sensitive key words, and regulates Internet content (see Section 2.a.).

Citizens' membership in mass organizations remained voluntary, but often is important for career advancement. Membership in the CPV remains an aid to advancement in the Government or in state companies and is vital for promotion to senior levels of the Government. At the same time, diversification of the economy has made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle, the Government can deny promotions and salary increases to government employees with more than two children, and local regulations permit fines based on the cost of extra social services incurred by a larger family. These penalties rarely are enforced. There is anecdotal evidence that party members are more likely to be penalized than nonparty members.

Foreign language periodicals are widely available in cities. The Government occasionally censors articles about the country in periodicals that are available for sale.

By law, access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced uniformly, and many persons in urban and some in rural areas have access via home satellite equipment. The Government generally did not limit access to international radio including the Voice of America and the British Broadcasting Corporation; however, it jammed Radio Free Asia.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government significantly restricts these freedoms, especially with respect to political and religious speech. Reporters and editors practice self-censorship concerning sensitive subjects; however, in recent years, the press has been testing the limits. A press law, passed by the National Assembly in 1999, provides for monetary damages to be paid by journalists to individuals or organizations harmed by reporting, even if the reports are true. This law poses a threat to investigative reporting. For example, in September 2000 the Haiphong Agricultural Materials and Transport Company sued the Hanoi newspaper Capital Youth for harming its prestige with a series of investigative articles about the company's operations. The case never went to trial; under pressure from the Party Commission for Cultural and Ideological Affairs and the Journalists Association, the company agreed to withdraw its suit. In return, the newspaper halted the series. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remains restricted.

Both the Constitution and the Criminal Code include broad national security and antidefamation provisions that the Government used to restrict such freedoms severely. The Party and Government tolerate public discussion and permit somewhat more criticism than in the past. In 1999 the Government established a mechanism for citizens to petition the Government. Citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints. However, the Government imposed limits in these areas as well.

The Government requires officials to obtain approval from their ministry before providing any information to foreign journalists. Journalists, similarly, must receive approval from their editorial offices before providing information.

Retired general and war hero Tran Do was expelled from the Communist Party in 1999 after he refused to cease circulating writings critical of the Party and the Government. On June 12, police confiscated parts of Do's diaries including his negative assessment of the Communist Party's Ninth Congress held in April. Friends have been allowed to visit him, but say authorities discourage visits.

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the Party, criticize individual government leaders, promote pluralism or multiparty democracy, or question the regime's policies on sensitive matters such as human rights. Nguyen Dan Que continued to call for democracy and respect for human rights, but authorities have suppressed his ability to communicate by shutting off his phone line and access to the Internet and e-mail for more than 1 year. Police continue to monitor him closely and to call him in for questioning periodically (see Section 1.d.). Biologist Ha Sy Phu, who was cleared on charges of treason in January, nevertheless was placed under administrative probation in February for writing articles calling for democracy (see Section 1.d.). Beginning in February, following his submitting written testimony critical of the Government to the U.S. Commission on International Religious Freedom (CIRF), the authorities placed Catholic Father Nguyen Van Ly under administrative detention. Father Ly was arrested on May 17 and was convicted of damaging national unity and violating his administrative detention on October 19, receiving cumulative sentences of 15 years. The Government restricts persons who belong to dissident and unofficial religious groups from speaking publicly about their beliefs.

There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas, which they would not. In January members of the editorial board of the Tuoi Tre daily were ordered to write self-criticisms after the newspaper published the results of an opinion poll that showed Government leaders were not held in particularly high regard by young persons (see Section 2.d.). Several authors whose works attracted official censure in past years continued to be denied permission to publish, to speak publicly, or to travel abroad. Security forces continue to harass novelist Duong Thu Huong intermittently, and authorities would not allow her to travel abroad. However, Huong is allowed to meet with some foreigners and Vietnamese colleagues. Some persons who express dissident opinions on religious or political issues also are not allowed to travel abroad (see Section 2.d.). The Party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic

media. The Government officially requires all religious publishing be done by one government-owned religious publishing house. With apparent party approval, several newspapers published reports during the year on high-level government corruption and mismanagement as well as sometimes-heated debate on economic policy. The Government occasionally censors articles about the country in foreign periodicals that are sold in the country. The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section I.f.).

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed each foreign media organization is limited, and most local staff who work for foreign media are provided by the Foreign Ministry. The Press Center monitors journalists' activities and decides on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. In March and June, immigration authorities threatened not to renew the visas of correspondents of two foreign news bureaus because of official dissatisfaction with some of their reporting, and told each of them that they would be required to leave the country in a few days. Diplomatic missions and high-level foreign visitors vigorously protested to officials. After initially providing probationary, shorter-than-usual renewals, the authorities renewed both visas for the customary 6 months. In past years, the Government censored television footage and sometimes delayed export of footage by several days. This is not known to have occurred during the year, although regulations continue to allow the government to screen such footage.

The Government allowed artists broader latitude than in past years in choosing the themes of their works, although artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

The Government allows access to the Internet; however, it owns and controls the country's only Internet access provider, Vietnam Data Communications (VDC). VDC is also the largest of the five Internet service providers (ISP's) with 57 percent of all subscribers. The Government postal department reports that the number of Internet subscribers in the country nearly doubled to approximately 150,000 in the past year. High prices limit home usage. However, universities and the growing number of cyber cafes allow students and many other persons wider access to the Internet. VDC is authorized by the Government to monitor the sites that subscribers access. The Government uses firewalls to block sites it deems politically or culturally inappropriate, including sites operated by exile groups abroad. In September the Government blocked access to a site on which internal activists had posted a letter (see Section 2.b.).

On August 23, the Prime Minister issued a decree on the management, provision, and use of Internet services. The decree allows expansion of the number of ISP's, including enterprises from the private sector. It also prohibits Internet users from taking advantage of the Internet for the purpose of hostile actions against the country or to destabilize security, violate morality, or violate other laws and regulations. The NGO, Reporters Sans Frontieres lists the country as 1 of 58 "enemies of the Internet."

The Government permitted a more open flow of information within the country and into the country from abroad, including the university system than in previous years. Foreign academic professionals temporarily working at universities could discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by foreigners and citizens. Academic publications usually reflected the views of the Party and the Government and exhibited greater freedom for differing views on nonpolitical subjects than for political ones.

b. Freedom of Peaceful Assembly and Association.—The right of assembly is restricted in law and practice, and the Government restricts and monitors all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gather in informal groups without government interference. In general, the Government does not permit demonstrations that could be seen as having a political purpose. During the year, there were a number of peaceful protests of approximately 10 to 25 persons outside government and party office buildings and the National Assembly hall in Hanoi. There were two peaceful protests in Ho Chi Minh City. Early in the year, on at least four occasions, police prevented protesters from conducting sit-in demonstrations on HCMC sidewalks. However, on May 10 and 11, approximately 40 to 50 protesters marched for more than 4 hours each day down several of HCMC's major thoroughfares carrying banners expressing grievances regarding land compensation. Police not only allowed the march to proceed, but a po-

lice vehicle and several officers on foot escorted the group helping to control crowds of onlookers. Traffic police also appeared at intersections, controlling traffic to allow the protesters to proceed. Police did not react to a 10-minute protest outside a foreign diplomatic office in HCMC on September 15.

On February 2, up to 4,000 ethnic minority persons demonstrated in the Central Highland town of Pleiku. On February 3, from 500–1,000 ethnic minority persons demonstrated in the Central Highland town of Buon Me Thuot. The demonstrators protested loss of forest land in the area to ethnic majority citizens. Some protested local government repression of Christian religions and some called for political autonomy or for an independent state. Details of what happened vary from witness to witness. It appears that many demonstrators in Pleiku threw stones at government buildings. Police and soldiers responded with tear gas and water cannons. Fighting occurred between police using batons and electric prods and many demonstrators armed with clubs. Scores of persons were injured on both sides.

The following day in Buon Me Thuot, after several hundred demonstrators gathered in the town center, police attempted to disperse them with water cannons. The demonstrators responded by throwing stones at the fire engine. Many persons on both sides were injured in fighting between the security forces and some of the demonstrators.

Smaller scale demonstrations with varying degrees of violence continued in rural districts of the Central Highlands until March. The Government deployed local troops augmented by civilian militias and nonuniformed security forces to secure the area. In some places, the Government forced villagers to feed and quarter troops or members of the civilian militias. On September 27 and 28, 14 ethnic minority persons arrested in connection with the unrest were sentenced to prison terms ranging from 6 to 12 years. One of the 14 also was convicted of illegal possession of a military weapon. On October 18, the Government sentenced six more ethnic minority persons to sentences ranging from a 3-year suspended sentence to 5 years' imprisonment. Charges against 18 others were dropped, or changed to the lesser charge of "inciting social unrest." At least 14 others were arrested and are awaiting trial. Many more were detained and later released. There were numerous credible reports that police beat the suspects when taken into custody.

More than 900 ethnic minority persons fled across the Cambodia border fearing arrest or reprisals by security forces. There are credible reports that nonuniformed security forces crossed the Cambodian border to capture and return those who had fled. These reports add that the security forces forcibly returned approximately 50 persons who remain in detention in Dak Lak Province. Eight other persons reportedly were returned to Gia Lai Province. Two of them reportedly are in jail, and the other six were placed under administrative probation. Family members reported the disappearances of at least 42 ethnic minority persons from Gia Lai Province.

There are several conflicting reports about an event on March 10, in Plei Lau village of Gia Lai Province. According to one credible report, hundreds of police and soldiers attempted to disperse hundreds of ethnic minority persons. Fighting erupted, resulting in dozens of injuries on both sides. At one point, an ethnic minority person armed with a spear attacked a soldier and was shot and killed by two or three other soldiers. Soldiers reportedly pursued and opened fire on other persons who had fled into the forest, wounding at least two who were shot in the leg and captured. Later that day, police forced some villagers to burn down the village church.

The Government restricts freedom of association. The Government prohibits the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the VFF. Citizens are prohibited from establishing independent organizations such as political parties, labor unions, and religious or veterans' organizations. Such organizations exist only under government control. However, some entities have been able to operate outside of this framework with little or no Government interference.

Police in Hai Phong detained and held Vu Cao Quan from April 24 until May 4 after he met individually in Hanoi with several persons holding reformist views including Nguyen Thanh Giang, Hoang Minh Chinh, General Tran Do (retired), and Colonel Pham Que Duong (retired). Since 1990 while still a member of the Communist Party, Quan had written several pieces advocating democracy. In January 1999, Quan resigned from the Party to protest General Tran Do's expulsion from the Party earlier the same month.

On September 2, the country's Independence Day, Tran Van Khue and Colonel Pham Que Duong sent a letter to the party and government leadership seeking permission to form a "People's Association to support the Party and State to fight corruption." On September 5, police expelled Khue and Nguyen Thi Thanh Xuan from Hanoi to their residences in HCMC and summoned Duong and 16 Hanoi associates

of Khue and Duong for questioning related to the proposed "People's Association." These persons are known to hold dissident or reformist views and include Hoang Minh Chinh, Nguyen Thanh Giang, Hoang Tien, Nguyen Vu Binh, Duong Hung, Le Chi Quang, Tran Dung Tien, Nguyen Dao Kinh, Tran Ba, Dau Quy Ha, Duoi Huy, Nguyen Thu, Nguyen Doai, V. Thinh, Tran Dai Son, and Duoi Son. The Government also cut their personal telephone lines and blocked access to the web site where Duong and Khue posted their letter. In HCMC, police confiscated Khue's computer and for more than 1 month "invited" him to come to the local police station twice a day "to work with them."

c. Freedom of Religion.—Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. However, restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions, in part because the Communist Party fears that organized religion may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government. Religious groups faced difficulties in training and ordaining clergy, and conducting educational and humanitarian activities. Religious figures encountered the greatest restrictions on their activities when they engaged in activities that the CPV perceives as political activism and a challenge to its rule. There were credible reports that in 1999, 2000, and during the year Hmong Protestant Christians in several northwestern villages were forced to recant their faith. The Penal Code, as amended in 1997, established penalties for offenses that are defined only vaguely, including "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charge persons with practicing religion illegally, they use provisions of the Penal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricated evidence, and some of the provisions of the law used to convict religious prisoners contradict international instruments such as the Universal Declaration of Human Rights. According to credible reports, the police arbitrarily detain persons based on their religious beliefs and practice, particularly in the mountainous, ethnic minority areas.

The Government technically requires religious groups to be registered and uses this process to control and monitor church organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. Officially recognized religious organizations are able to operate to varying degrees throughout the country, and followers of these religious bodies are able to worship without Government harassment, except in some isolated provinces. Officially recognized organizations must consult with the Government about their religious operations, although not about their tenets of faith. While the Government does not directly appoint the leadership of the official religious organizations, to varying degrees it plays an influential role in shaping the process of selection and in some cases maintains a veto power. In general, religious organizations are confined to dealing specifically with spiritual and organizational matters. The Government holds conferences to discuss and publicize its decrees on religion.

Religious organizations must obtain government permission to hold training seminars, conventions, and celebrations outside of the regular religious calendar, to build or remodel places of worship, to engage in charitable activities or operate religious schools, and to train, ordain, promote, or transfer clergy. Many of these governmental restrictions principally are exercised by provincial or city people's committees, and treatment of religious persons varied widely by locality. In some areas such as HCMC, local officials allowed religious persons wide latitude in practicing their faith, including allowing some educational and humanitarian activities. However, in other areas such as the northwest provinces and the Central Highlands, local officials allowed believers little discretion in the practice of their faith. In general religious groups faced difficulty in obtaining teaching materials, expanding training facilities, publishing religious materials, and expanding the clergy in training in response to the increased demand from congregations; the Government regulates the number of clergy that the Buddhist, Catholic, Hoa Hao, and Cao Dai churches officially may train. The Government has not allowed officially recognized training of Protestant clergy since 1993. The Roman Catholic Church faces many restrictions on the training of nuns and the training and ordination of priests and bishops, thus limiting pastoral ministry. The Government effectively maintains veto

power over Vatican appointments of bishops; however, in practice it has shown willingness to discuss appointments with the Vatican.

The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai and Muslim religious organizations. However, some leaders of Buddhist, Protestant, and Hoa Hao organizations and many believers of these religions do not recognize or participate in the government-approved associations. Some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies unsuccessfully have requested official recognition of their organizations. Their activities, and those of the unregistered Protestant "house churches" are considered illegal by the authorities, and they sometimes experience harassment as a result.

The Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government continued to harass members of the Unified Buddhist Church of Vietnam (UBCV), which is not approved by the Government, and prevented their conducting independent religious activities, particularly outside of their pagodas. Religious and organizational activities by UBCV monks are illegal, and all UBCV activities outside private temple worship are proscribed. UBCV leaders have unsuccessfully requested official recognition since 1981. Thich Huyen Quang, the Supreme Patriarch of the UBCV has been confined to an isolated pagoda since 1982 under conditions resembling house arrest. He is able to receive visits from sympathetic monks, but police detained Thich Quang Do, the UBCV's second-ranking monk, and questioned and strip searched him after he visited the Patriarch in February. In June Thich Quang Do tried to escort Thich Huyen Quang to HCMC. In response, HCMC authorities enforced a 5-year administrative surveillance order on Thich Quang Do by confining him to his living quarters, under guard. He is unable to receive visitors or phone calls. On September 2, Ho Tan Anh, described as a UBCV lay supporter, committed suicide by self-immolation in Danang to protest the Government's actions toward the UBCV. On September 5, Vo Tan Sau and two other UBCV supporters and associates of Ho Tan Anh reportedly were detained and may still be in police custody.

The Vietnamese Roman Catholic Church hierarchy remained frustrated by the Government's restrictions but has learned to accommodate itself to them. A number of clergy reported a modest easing of Government control over church activities in certain dioceses during the year. In some locales, particularly in the south, local Government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours), operate kindergartens, and engage in a variety of humanitarian activities. However, in many areas, officials strictly prohibited these activities. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the Government-controlled Catholic Patriotic Association.

The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted freedom for travel outside these areas, particularly in many ethnic areas. Government officials discourage officially recognized clergy from entering Son La, Lai Chau, and some other border provinces. The Government limits the Catholic Church to 6 major seminaries and to accepting new seminarians only every other year. Approximately 500 students are enrolled nationwide. The local People's Committee must approve all students, both upon entering the seminary and prior to their ordination as priests. Several 1975-era seminary graduates have remained unordained, pending Government approval. Catholics believe that the number of ordained priests is insufficient to support the growing Catholic population.

On October 19, the Thua Thien Hue Provincial People's Court convicted Catholic Father Nguyen Van Ly and sentenced him to 15 years in prison—2 years for disobeying the "administrative probation" he was given in February after he submitted written testimony that was highly critical of the Government for its continued restrictions on the Catholic Church and other religions to the U.S. Commission on International Religious Freedom, and 13 years for damaging the Government's unity policy. A priest, Pham Minh Tri, and a lay brother, Nguyen Thien Phung, belonging to the Congregation of the Mother Co-Redemptrix remain imprisoned reportedly for assisting in running an underground seminary.

In February the Government organized a congress of Protestant delegates from the southern part of the country that led to the official recognition in April of the Southern Evangelical Church of Vietnam (SECV) with hundreds of churches. (The Government recognized the northern branch of the Evangelical Church of Vietnam, with only 14 officially approved churches, many years ago.). The SECV Congress was notable for its free democratic election of officers and its apparent lack of Government interference. Beginning in April the Government encouraged the many underground Protestant congregations to join the SECV in order to become "legalized." Some underground Protestant pastors remain suspicious of the new organization

and at least two groups not affiliated with the SECV have engaged in discussions with government religious officials to obtain separate legal status. Other Protestant leaders, particularly in HCMC, are optimistic that affiliation with the SECV may eliminate the local police harassment they have experienced for many years. Some ethnic majority (Kinh) underground Protestant pastors located in the Central Highlands also are optimistic about affiliation with the SECV. Ethnic minority underground Protestant congregations in the Central Highlands and in the northwestern provinces, however, sometimes continue to suffer severe abuses. Provincial officials in certain northwest provinces do not allow churches or pagodas to operate and have arrested and imprisoned ethnic minority believers for practicing their faith non-violently despite provisions of the Constitution that permit such activities. Protestants are not allowed to operate a seminary or to ordain new clergy. There were multiple reports that local police beat Protestants during detention or questioning in the Central Highlands, the central coast and the northwestern provinces. At the beginning of 1999 there were more than 25 ethnic Hmong Protestants imprisoned, primarily in Lai Chau province, for "teaching religion illegally" or "abusing their civil liberties to cause social unrest." Following international attention to the detentions, most of the detainees have been released. Twenty or more Hmong Protestant leaders may still be imprisoned, including: Va Sinh Giay, Vang Sua Giang, Phang A Dong, Mua A Ho, Cu Van Long, and Sua Song Vu. An ethnic Hre church leader, Dinh Troi, was detained in Quang Ngai Province on the central coast in 1999, and it is believed he was still detained at year's end. Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982. His children have endured discrimination at school and in seeking employment (see Section 1.d.). Another Protestant pastor, Nguyen Nhat Thong, similarly has been forced to reside in a remote part of Binh Thuan Province since 1979.

There were reports that between February and April groups of vigilantes abducted and beat Protestant worshippers in the Central Highlands' provinces. In April assailants severely beat two ethnic-Vietnamese female primary school teachers on their return from a Protestant service in Phu Nhon District in Gia Lai Province. There were dozens of additional specific reports of similar beatings in the area. In March there were unconfirmed reports that authorities demolished churches in Plei Lau Village in Phu Nhon district. The government response to ethnic unrest in the Central Highlands was directed at the organizers of the demonstrations; however, because some organizers also were Protestant leaders, some local authorities cracked down on Protestants in their areas. According to one report, the Protestant churches in Ban Don district in Dak Lak province were closed following the February demonstrations; authorities prevented all assembly for worship since that time.

In March teachers at a public primary school in the same district reportedly ordered all the Christian students to renounce Christ. When the students refused, they were suspended from school and not allowed to return until further notice. It is not known if they remained suspended at year's end. On March 10, soldiers dispersed approximately 200 persons who had gathered at a Protestant church in Plei Lau village in Phu Nhon district of Gia Lai province. A fight ensued in which one person using a spear reportedly was killed by gunfire when he attacked a soldier. Authorities later burned the church to the ground (see Section 1.c.).

Several reports describe a systematic campaign on the part of local officials in Dak Lak and Gia Lai provinces in the Central Highlands to force ethnic minority Protestants to renounce their faith. Similar campaigns have been and continue to be reported in Lai Chau, Lao Cai and other mountainous northern provinces. Under threat of physical abuse or confiscation of property, ethnic minority Protestants allegedly are made to sign a formal, written renunciation or to undergo a symbolic ritual, which includes drinking rice whiskey mixed with animal blood.

Most evangelical house churches do not attempt to register because they believe that their applications would be denied, and they want to avoid government control. However, for more than a year the Government has exhibited interest in facilitating house church registration.

In February 2000, several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the official Hoa Hao organization (established in 1999) as subservient to the Government and demanded official recognition of their own leadership. The Government neither acknowledged the claims of these Hoa Hao believers nor officially permitted their independent activities. On March 28, 2000 the Government arrested eight Hoa Hao believers for organizing commemorative activities independent of the government-sanctioned Hoa Hao Administrative Committee. Three subsequently were released, but five stood trial and received prison sentences ranging from 1 to 3 years. Two of the five were released in March after completing their sentences; the other three remain in prison.

Hoa Hao believer Vo Van Buu was arrested, tried, and sentenced to 30 months in prison after meeting in June 2000 with Nguyen Van Dien, an officer of the Hoa Hao organization that does not have government approval. In November, Ha Hai, another officer of the Hoa Hao organization that does not have government approval, was arrested in HCMC after organizing a demonstration planned to coincide with the visit to HCMC of then-President Clinton. Hai was under administrative probation at the time; he was sentenced to 5 years' imprisonment for violating his house arrest orders. On December 20, 2000 approximately 300 supporters of the Hoa Hao organization that does not have government approval joined 10,000 other Hoa Hao believers at a Hoa Hao pilgrimage site. A fight broke out between members of this group and others at the site. Police intervened, and several witnesses state that police used batons to beat many persons, all of them from the group that does not have government approval. Two members of the group, Truong Van Duc and Ho Van Trong, were arrested and sentenced to 12- and 4-year prison sentences, respectively. On March 17, Le Quang Liem, head of the organization that does not have government approval, and Nguyen Van Dien, his Deputy, were detained and placed under 2-year house arrest orders after meeting with a group of Hoa Hao followers in a HCMC park before dawn. Police claimed several of the followers were preparing to commit self-immolation. They later produced cans of gasoline and gasoline-soaked clothing as evidence. Two days later, Ms. Nguyen Thi Thu, a supporter of the group, committed self-immolation in protest of government actions toward the Hoa Hao. On July 24, police in An Giang Province arrested Ms. Phan Thi Tiem and Ms. Tran Thi Duyen for their involvement in the immolation.

Despite its abuse against Hoa Hao "dissidents," the Government permitted other Hoa Hao believers more freedom to practice their faith. Between 100 and 200 visitors worship at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Several hundred believers traveled there in March to commemorate a traditional anniversary that the Government refuses to recognize officially. Up to 300,000 persons traveled there in July to celebrate another traditional anniversary that the Government does recognize.

Prior to the Government's recognition of the religion, a government-controlled Management Council established in 1997 rewrote the Cao Dai constitution. The Council has full powers to control the affairs and manage the operations, the hierarchy, and clergy of the Cao Dai faith. Two high-ranking Cao Dai clerics, Archbishop Thuong Nha Thanh and Archbishop Thai The Thanh have chosen not to participate in the government-approved Cao Dai Management Council; they reportedly are free to worship, but are not allowed to meet with foreigners. A central tenet of the Cao Dai faith is belief in the ability to communicate with the spirits through the use of a medium. Because the use of mediums was essential to ceremonies accompanying promotion of clerics to higher ranks, the new Cao Dai constitution effectively banned clerical promotions. The Government views the practice as "superstitious," and when the Management Council rewrote the Cao Dai constitution, it annulled the rite. Numerous Cao Dai believers actively have challenged this and other edicts of the Management Council, stating that they were not faithful to Cao Dai principles and tradition. In 1999, however, the Management Council and clergy came to an agreement that changed part of the rite so that it would no longer be superstitious, but maintained enough "spiritual direction" to be acceptable to Cao Dai followers. The agreement resulted in the promotion of several hundred clerics, the first promotions in more than 25 years. Some Cao Dai followers in the country and abroad continue to oppose the change and charge that only those clergy who were cooperative with the Government received promotions. The Government has prohibited ordination into the Cao Dai priesthood since 1975, and no new priests were ordained during the year.

The Muslim Association was banned in 1975 but authorized again in 1992. It is the only official Muslim organization. Association leaders say that they are able to practice their faith, including daily prayer, fasting during the month of Ramadan, and the pilgrimage to Mecca. During the year, at least 30 to 40 Muslims made the Hajj.

In 1999 the Government issued a decree that prescribes the rights and responsibilities of religious believers. Similar to an earlier 1991 decree, it states for the first time that no religious organization can reclaim lands or properties taken over by the State following the end of the 1954 war against French rule or the 1975 Communist victory in the south. Despite the decrees, only a portion of previously confiscated Buddhist and Catholic properties has been returned. The decree also states that persons formerly detained or imprisoned must obtain special permission from the authorities before they may resume religious activities. However, there have been no reports of anyone having been denied this permission.

The Government restricts and monitors all forms of public assembly, including assembly for religious activities. On some occasions, large religious gatherings have been allowed, such as the Catholic celebrations at La Vang. Within the past 3 years, the Hoa Hao also have been allowed to hold large public gatherings to commemorate some traditional anniversaries, but not others.

The Government restricts persons who belong to unofficial religious groups from speaking about their beliefs. The law prohibits foreign missionaries from operating in the country. Proselytizing by citizens is restricted to regularly scheduled religious services in recognized places of worship.

Police authorities routinely question persons who hold dissident religious or political views, such as UBCV monks and Hoa Hao leaders. The Government established a publishing house under control of its Committee for Religious Affairs specifically to publish all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by government-sanctioned organizations and are distributed openly. The Government allows religious travel for some, but not all, religious persons; Muslims are able to take the Hajj, and many Buddhist and Catholic Church officials, and some Protestant officials are able to travel and study abroad. Persons who hold dissident religious opinions sometimes are not approved for foreign travel. Buddhist monk Thich Thai Hoa in Hue, for example, has been refused permission to travel outside the country on several occasions.

The Government does not designate religion on individual passports, although citizens' "family books," which are household identification books, list religious affiliation. Many individuals who consider themselves Buddhist indicate in their family books that they are not religious. Similarly many Buddhist believers indicate that they are not religious on their individual identification cards.

The Government allows and in some cases encourages links with coreligionists in other countries for approved religious groups. The Government actively discourages contacts between the illegal UBCV and its foreign Buddhist supporters, and between unofficial Protestant organizations, such as the underground churches, and their foreign supporters. Contacts between the Vatican and the domestic Catholic Church are permitted, and the Government maintains a regular, active dialog with the Vatican on a range of issues, including organizational activities, the prospect of establishing diplomatic relations, and a possible papal visit.

The Government does not permit religious instruction in public schools. However, in some provinces, religious instruction is allowed outside regular classroom hours. Khmer Buddhists and Cham Muslims routinely hold religious (and language) instruction after regular school hours. Catholic churches in HCMC and elsewhere hold Sunday school classes.

The Government's Committee for Religious Affairs periodically hosts meetings with government-approved agendas to address religious issues that bring together leaders of diverse religious traditions.

Open adherence to a religious faith generally does not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest Government and military ranks. Avowed religious practice theoretically bars one from membership in the Communist Party, but in 1997 the CPV reported that about 23,000 of the 2.4 million Party members were religious believers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides that citizens shall enjoy freedom of movement and of residence within the country . . . (and) freely travel abroad and return home . . . in accordance with the provisions of the law;" however, the Government imposes some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country, but some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas. Local officials reportedly informally discourage clergy from entering certain provinces. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports in theory must register to stay in private homes. In practice, visitors of Vietnamese origin from overseas do not appear to have problems with this requirement and are allowed to stay with family and friends. However, many visitors of Vietnamese origin who are also Cao Dai believers have been summoned to report to the Tay Ninh Provincial Committee for Religion to be questioned or to write a report after visiting Cao Dai relatives in Tay Ninh.

The Government employs internal isolation under the decree on administrative detention to restrict the movement of political and religious dissidents (see Sections 1.d. and 1.f.).

Foreigners generally are free to travel throughout the country, except in areas restricted on grounds of national security. Following the February ethnic unrest in the Central Highlands, entry into the area was restricted for several months for most foreigners. The Government retained the right to approve travel to border areas and to some islands, but in practice foreigners can travel to most border areas without prior approval. However, on several occasions, local police detained and fined foreigners whom police found had ventured too close to international borders and other sensitive military areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevents persons from traveling by refusing to issue passports. Persons who depart the country using passports marked *dinh cu* or "resettlement" appear to need a reentry permit to return. Some persons who publicly or privately have expressed critical opinions on religious or political issues sometimes are not allowed to travel abroad (see Section 2.c.).

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the Government issues passports for emigration. Persons who emigrate under refugee status are required to have a letter of introduction from the Ministry of Public Security in order to obtain a passport. Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria, or in order to extort a bribe.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, and family reunification cases. There are concerns that some members of minority ethnic groups, such as the Montagnards, who live in the Central Highlands may not have ready access to these programs because the Government denied them passports.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees (ROVR) Program in processing the residual applicants who had returned from refugee camps elsewhere in Southeast Asia. This program is nearing completion.

The Government generally permits citizens who emigrate to return to visit, but it considers them citizens and therefore subject to the obligations of citizens under the law, even if they have adopted another country's citizenship. In practice, the Government usually treats them as citizens of their adopted country; emigrants are not permitted to use Vietnamese passports after they adopt other citizenship. However, because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encourages them to visit but monitors many of them carefully.

During the ethnic unrest in the Central Highlands in the early part of the year, several hundred Montagnards fled to Cambodia. The Government has been in contact with the U.N. High Commissioner for Refugees (UNHCR) to discuss their return. At year's end discussions continued.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, the country does not have provisions for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution. The Government is not known to have taken a position on first asylum.

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

Citizens do not have the right to change their government. Party control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV, and the Constitution declares the supremacy of the CPV; political opposition movements and other political parties are not tolerated. The CPV Central Committee is the supreme decisionmaking body in the nation, with the Politburo as the locus of policymaking. During the Ninth Congress of the CPV, held from April 19 to April 22, the Party replaced the standing board, consisting of the five most senior members of the Politburo, with a nine-member Secretariat, consisting of the General Secretary, four lower ranking Politburo members, and four non-Politburo Central Committee members, to oversee day-to-day im-

plementation of leadership directives. The Government limited public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party State is permitted; however, there were isolated instances of unsanctioned letters critical of the Government from private citizens, including some former Party members, that circulated publicly (see Section 2.a.).

Eligible citizens legally are required to vote in elections, although there is no penalty for not voting. Citizens elect the members of the National Assembly, the main legislative body, but the party-controlled VFF must approve all candidates. Three members of the 450-member assembly are self-nominated independents, not nominated by the VFF, although it approved their candidacies.

The National Assembly, although subject to the control of the Party (all of its senior leaders are party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it generally does not initiate legislation and does not pass legislation that the Party opposes. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. During the year, the National Assembly continued to engage in vigorous debate on economic, legal, and social issues and to exert its increasing power to revise or reject draft laws. In June legislators concerned that passage of the bill would lead to widespread miscarriages of justice, rejected a bill that could have granted district courts wider powers. Opposition by National Assembly members and the general public to a number of proposed constitutional amendments apparently led the Government to withdraw them from consideration. Legislators questioned and criticized ministers in sessions broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups; however, the percentage of women in government and politics does not correspond to their percentage of the population. There are no women in the Politburo. Women are better represented in the National Assembly, where more than one-fourth of the 450 members are women. Women hold a number of important government positions. The Vice President is a woman, as are several ministers and vice ministers.

The CPV Secretary General, formerly President of the National Assembly, is a member of an ethnic minority group. However, the percentage of minorities in government or politics does not accurately reflect their numbers in the population.

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

The Government does not permit private, local human rights organizations to form or operate. It generally prohibits private citizens from contacting international human rights organizations, although some dissidents were able to do so.

The Government continued negotiations to allow UNHCR access to the Central Highlands to determine conditions for possible repatriation of ethnic minority persons who fled to Cambodia fearing possible Government reprisals following the February ethnic unrest in the area. The Government criticized any public statement on human rights issues by international nongovernmental organizations (NGO's) or by foreign governments as interference in its "internal affairs."

The Government generally was willing to discuss human rights problems bilaterally with some other governments if such discussions took place under the rubric of "exchanges of ideas" rather than as "investigations." Several foreign governments held official talks during the year concerning human rights.

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

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Persons formerly interned in reeducation camps on the basis of association with the pre-1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still face economic hardship as a result of past employment restrictions and discrimination, but none are known still to be incarcerated for their activities before 1975. These veterans and their families generally are unable to obtain employment with the Government. This prohibition is less restrictive than in past years because of the growth in private sector job opportunities.

Women.—International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, officials increasingly acknowledge the problem, and it is increasingly discussed in the media; however, authorities do not enforce the law effectively. Report-

edly about two-thirds of divorces are due in part to domestic violence, and the divorce rate has risen dramatically in the past few years, but many women likely remain in abusive marriages rather than confront the stigma and economic uncertainty of divorce.

Under the Penal Code it is a crime to use violence, threaten violence, take advantage of a victim being unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment. However, there are no known instances of prosecution for spousal rape.

Prostitution, although officially illegal, appears to be tolerated widely. Some women are coerced to work as prostitutes, and some are victimized by false promises of lucrative work (see Section 6.f.). Many more women feel compelled to work as prostitutes because of poverty and a lack of other employment opportunities. The HCMC People's Committee acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi, the port cities of Danang and Haiphong, and smaller cities such as Can Tho and Nha Trang also have large numbers of women engaged in prostitution. There are reports that some persons in HCMC addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expect an eldest daughter to assume responsibility for a significant part of the family's finances. There are reports that parents coerced daughters into prostitution or made such extreme financial demands on them that they felt compelled to engage in prostitution. The Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of sexual exploitation, both domestically and internationally, is a serious problem (see Section 6.f.).

While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete successfully for higher status positions. The Government has ratified International Labor Organization (ILO) conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government does not adequately enforce this provision. Very poor women, especially in rural areas but also in cities, perform menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment. Nevertheless, women play an important role in the economy and are engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers entering the civil service, universities, and the private sector.

The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and other international organizations regard the Union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a committee for the advancement of women, which coordinates interministerial programs that affect women.

Children.—International organizations and Government agencies reported that despite the Government's promotion of child protection and welfare, children continue to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained. Thousands of children work in exploitative child labor, although these practices occur almost exclusively on family farms, in family businesses, or in private, small-scale enterprises (see Sections 6.c. and 6.d.). On May 25, the country ratified two optional protocols to the United Nations Convention on the Rights of the Child, one on the Involvement of Children in Armed Conflict and the second on the Sale of Children, Child Prostitution, and Child Pornography. The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicate that responsible officials generally took these goals seriously, concrete actions are constrained by severely limited budgets. According to the World Bank, despite growth in incomes over the past decade, severe malnutrition remains

an entrenched problem; approximately 45 percent of children under 5 years of age suffer from stunted growth.

Widespread poverty contributed to continued child prostitution, especially of girls, but also of some boys, in major cities. Many prostitutes in HCMC are girls between the ages of 15 and 17. One NGO advocate stated that some child prostitutes, such as those from abusive homes, are forced into prostitution for economic reasons, having few other choices available to them. There were reports that some persons addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of some traffickers (see Section 6.f.). The authorities also are concerned about cases in which parents have received payments in exchange for releasing their babies for adoption.

According to a government report on child labor, there are 20,000 street children in the country. Street children are vulnerable to abuse and sometimes are abused or harassed by police (see Section 1.c.).

Persons with Disabilities.—There is no official discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government provision of services to assist persons with disabilities, however, is limited, and the Government provides little official protection or effective support to persons with disabilities. Government agencies responsible for services to persons with disabilities worked with domestic and foreign groups to provide protection, support, physical access, education, and employment. Implementation is hampered by limited budgets. The law requires the State to protect the rights and encourage the employment of the persons with disabilities. It includes provisions for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and a special levy on firms that do not employ workers with disabilities. The extent to which the Government enforces these provisions is unknown. The Government permitted international groups to assist persons disabled by war, by subsequent accidents involving unexploded ordnance, or other causes, and has developed indigenous prosthetics-manufacturing capabilities. There are no laws mandating physical access to buildings, but international groups are working with the Government to provide increased accessibility. International groups also are assisting the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities.—Although the Government states that it is opposed to discrimination against ethnic minorities, societal discrimination against minorities is widespread. In addition there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Vietnamese (Kinh) by granting preferential treatment to domestic and foreign companies that invest in highland areas. Soc Trang province authorities opened 10 libraries for Khmer ethnic minority group members as part of an ongoing multiyear program to improve cultural and entertainment facilities in minority communities.

The Government resettles ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services are easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. The Government admits that one of the goals of resettlement is to impel the minorities to change from traditional swidden agricultural methods to sedentary agriculture. This also has the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas who clear the forests for cash crop agriculture. Large-scale, government-encouraged as well as spontaneous migration of ethnic Kinh to the Central Highlands has diluted the indigenous culture there. It has also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The perception of the loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest earlier in the year (see Section 2.b.). Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their religion without official approval (see Section 2.c.).

The Government responded to ethnic unrest in the Central Highlands with a major security effort (see Section 2.b.). The Government also took a number of measures to address the causes of the unrest. For example, several high-level government officials visited the area after the unrest to hear the grievances of ethnic minorities. Previously, all classroom instruction was required by law to be conducted

in the Vietnamese language, but the Government began a program to conduct classes in the local language up to grade five. The Government is working with local officials to develop a local language curriculum. The Government appears to be implementing this program more comprehensively in the Central Highlands than in mountainous northern provinces. The Government began broadcasting radio and television programming in the area in ethnic minority languages. The Government also told ethnic Kinh officials that they must learn the language of the locality in which they are working. Provincial governments are implementing initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and to be sensitive and receptive to ethnic minority culture and traditions. Officials in Lam Dong Province reportedly have hired ethnic minority persons to teach minority languages to ethnic Kinh police. Officials in Dak Lak Province reportedly are experimenting with a land policy that would allocate certain forest lands to ethnic minority villages for communal use.

Section 6. Worker Rights

a. The Right of Association.—Workers are not free to join or form unions of their choosing. Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the Party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL is the umbrella organization under which all local trade unions must operate. The VGCL claims that it represents 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. However, the overall level of unionization of the workforce is 10 percent. Approximately 500,000 union members work in the private sector, including enterprises with foreign investment. The vast majority of the work force lives in rural areas, is engaged in small-scale farming, and is not unionized. In 1999 the Government stated that trade unions had not fulfilled their role of protecting workers in foreign-invested companies, many of which it claimed did not respect labor regulations. The VGCL asserted that authorities did not prosecute some violations of the Labor Law. Union leaders influence key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated “labor associations” have been organized at many individual enterprises and in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. Foreign governments and international organizations, such as the ILO and other U.N. system organizations, provide technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), provincial labor departments, and the VGCL.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise’s own labor conciliation council. However, many enterprises do not have labor conciliation councils. In the case of the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial level. Individual workers may take cases directly to the peoples’ court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people’s courts, or to strike. Because this process is lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike is considered illegal. Since 1995 the Labor Ministry has organized hundreds of training courses on the Labor Law for its staff and for managers of enterprises. The ILO and the U.N. Development Program are cooperating on a large multiyear technical assistance program to strengthen Labor Law implementation.

There were 70 strikes during 2000, the latest statistics available. Of these 54 were against foreign-invested or domestic private enterprises, and 16 involved state-owned firms. The majority of strikes took place in HCMC, Dong Nai Province, and other southern provinces where the modern economic sector is concentrated. Most strikes are symbolic and last only 1 or 2 days. Most strikes are caused by disputes over wages and related problems, including late payment of overtime pay, failure to pay customary holiday bonuses, and inappropriate labor discipline. Although nearly every strike did not follow the authorized conciliation and arbitration process, and thus was of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strik-

ers, and there were no reports of retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they do not do so in practice. However, the VGCL has relations with 95 labor organizations in 70 countries, and the VGCL's president traveled internationally, including to industrialized countries, to discuss labor matters.

b. The Right to Organize and Bargain Collectively.—Under the law, the provincial or metropolitan branch of the VGCL is charged with organizing a union within 6 months of establishment of any new enterprise with five or more employees, if workers have not already done so. Management is required by law to accept and cooperate with those unions. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. In recent years, collective bargaining has become more important. Many contracts have been negotiated that ended the practice of annual renewal, and multiyear contracts have become more common despite initial resistance from foreign companies. In recent years, labor leaders have increased the number of workplace issues in collective bargaining agreements. Issues previously not covered in contracts, such as Sunday work, have been spelled out so that companies cannot order workers to work a 7th day. Since the country began moving away from central planning, market forces have played an increasingly important role in determining wages. The Labor Law prohibits antiunion discrimination on the part of employers against employees who seek to organize.

The same labor laws as in the rest of the country govern the growing number of export processing zones and industrial zones. There is anecdotal evidence that the Government is more actively engaged in enforcement of the labor laws in the zones than outside them.

c. Prohibition of Forced or Compulsory Labor.—The Labor Law prohibits all forms of forced and bonded labor, including such labor by children; however, there were reports that thousands of children work in exploitative situations (see Section 6.d.). Some women are coerced into prostitution, and trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). Children were trafficked both domestically and internationally and forced to work as prostitutes (see Sections 5 and 6.f.). A study of child labor in HCMC found cases in which the parents in poor families had entered into “verbal agreements” with employers, who put their children to work; the children's salaries were sent directly to the parents.

The Government denies the use of prison labor without compensation; however, prisoners routinely are required to work, producing food and other goods used in prisons for little or no pay. Officials state that juveniles in Education and Nourishment Centers, which function much as reform schools or juvenile detention centers do elsewhere, are assigned work for “educational purposes” that does not generate income.

In 1999 the Government issued an ordinance requiring all adult citizens between the ages of 18 and 45 for men and between 18 and 35 for women to perform 10 days of annual public labor. However, the ordinance permits citizens to excuse themselves from this obligation by finding a substitute or paying a fee. While some have alleged that such laborers were recruited to construct the Ho Chi Minh Highway, the Government issued a decree in October 2000 that gave the force of law to its existing policy that all labor on this project must be voluntary and paid.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law prohibits most child labor but allows exceptions for certain types of work. It sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the MOLISA. However, a widely-publicized MOLISA survey found that about 40,000 children between the ages of 8 and 14 years worked part time or full time in violation of the Labor Law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or family businesses not within the scope of the Labor Law.

By law, an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health

care. However, authorities do not have sufficient resources to ensure enforcement of child labor regulations. International donor assistance targets the problem of child labor.

The Labor Law permits children to register at trade training centers, a form of vocational training, from the age of 13.

There have been reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this occurred when the child workers presented false identity documents, frequently borrowed from older family members. Once discovered, the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children work primarily on family farms and in other agricultural activities. In some cases they begin work as young as 6 years of age and are expected to work as adults by the time they are 15 years of age. In urban areas, children also may work in family-owned small businesses. Migration from rural to urban settings has exacerbated the child labor problem. Compulsory education laws are not enforced effectively in rural areas, where children are needed to work in agriculture. However, the culture's strong emphasis on education leads parents who can send children to school to do so, rather than allow them to work. Due to lack of classroom space, most schools operate two sessions, and children attend either morning or afternoon sessions; a result of attending school only half days is that children are able both to attend classes and to work. The ILO stated that some street children both in HCMC and Hanoi participate in night education courses.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government commits insufficient resources to enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it has detected cases of child exploitation, removed the children from the exploitative situations, and disciplined the employers. In a 1999 case in which children were working in a private sector gold mine, the Government prosecuted and convicted those responsible.

In June the Government circulated a draft National Plan of Action implementing ILO Convention 182 on worst forms of child labor, which it ratified in November 2000.

The Labor Law prohibits forced and bonded labor by children; however, thousands of children work in exploitative situations, and children were trafficked both domestically and internationally for the purpose of sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures is \$45 (674,820 dong) in Hanoi and HCMC, and \$40 (599,840 dong) elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$30 (449,880 dong). The official monthly minimum wage of \$12 (180,000 dong) outside the foreign-invested joint venture sector is inadequate to provide a worker and family with a decent standard of living. However, state-owned enterprises consistently pay more than that minimum. The number of workers who receive government-subsidized housing is decreasing. However, many workers receive bonuses and supplement incomes by engaging in entrepreneurial activities, and households often include more than one wage earner. An ILO study found that minimum wage requirements are well applied in all sectors, with the exception of smaller private sector enterprises. However, there have been a number of media reports citing incidences of violations of minimum wage requirements by companies with foreign investment.

In 1999 the Government reduced the workweek for government employees and employees of companies in the state sector from 48 hours to 40 hours. The Government encourages the private business sector and foreign and international organizations that employ local workers to reduce the number of hours in the workweek, but has not made compliance mandatory.

The Labor Law sets working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1½ times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime to 4 hours per week and 200 hours per year. The law also prescribes annual leave with full pay for various types of work. The ILO has pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. It is uncertain how well the Government enforces these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The Ministry of Labor, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement is inadequate because of the Ministry's low funding and a shortage of trained enforcement personnel. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. On-the-job-injuries due to poor health and safety conditions in the workplace are a problem. There is evidence, however, that workers, through labor unions, have been effective in improving working conditions.

Some foreign companies with operations in the country have established independent monitoring of problems at their factories. In some instances, they used NGO's and other nonprofit organizations to monitor workplace conditions and report abuses to the Ministry of Labor.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment. Companies report that MOLISA or provincial labor agencies perform labor and occupation safety and health inspections at enterprises when they learn of serious accidents or when there have been reports of hazardous conditions.

f. Trafficking in Persons.—The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, is a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for "illegitimate profits" or illegal purposes. Incidents of trafficking of adult males domestically or abroad are rare. While reliable statistics on the numbers of citizens trafficked are not available there is evidence that the numbers have grown in recent years.

Vietnam is both a country of origin and transit for trafficking. Vietnamese women are trafficked to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it is not clear how many were victims of trafficking (observers believe many, if not most, of these young women were voluntary migrants and, at least initially, not victims of trafficking). Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some Vietnamese women also have been trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also have been reports that some Vietnamese women going to Taiwan, Hong Kong, Macau, and China as "mail-order brides" have become victims of trafficking. Women and children also are trafficked within Vietnam, usually from rural to urban areas. The country also is a transit point for trafficking. Typically, persons are trafficked from China or the Middle East to Australia, Europe, or Canada; however, this appears to have decreased during the year.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years. Although statistics are not reliable, women and girls are trafficked from southern delta and highland provinces to Cambodia and from northern provinces into China generally for the purposes of prostitution, domestic work, or marriage. The Vietnam Women's Union and Youth Union are especially active in drawing attention to these problems and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution.

There are reports that some women from HCMC and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There is reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that are ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival women can be forced into conditions similar to indentured servitude; some may be forced into prostitution.

Poor women and teenage girls, especially those from rural areas, are most at risk for being trafficked. Some are sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers pay families several hundred dollars (a large sum for many families) in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims face strong pressure to make signifi-

cant contributions to the family income. Others are offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation are other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, rather than organized groups, lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes (see Sections 5 and 6.c.). There appears to be some organized crime involvement in the transit of trafficked persons through the country.

Corruption is a serious problem at all levels, and some officials may be involved in the flow of overseas workers into exploitative conditions or into trafficking. While it is likely that some individual officials have assisted traffickers, there is no evidence of official, institutional, or government involvement in trafficking in persons.

There have been allegations supported by evidence that state-owned labor supply companies trafficked workers, primarily women and girls, to American Samoa, where they were employed by a Korean-owned garment manufacturer, Daewoosa. There are allegations that these workers were subjected to debt bondage, mistreated, threatened, and abused. These or similar allegations are being raised in civil and criminal cases pending in U.S. courts, although no Vietnamese companies or officials are defendants in the criminal case. As a result of this case, the Government initiated a widely publicized review of the operations and finances of licensed labor supply companies, which resulted in the temporary or permanent suspension of the operating licenses of the two state-owned enterprises that supplied labor to Daewoosa. The Government also brought charges against, and convicted, an official from one of those enterprises in relation to the Daewoosa case.

The Government increased its efforts during the year to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for persons found guilty of trafficking women, and for 3-year to life prison sentences for persons found guilty of trafficking children. Some traffickers have been convicted and imprisoned. The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. In 2000 it signed an agreement with Australia stating a mutual commitment to combat trafficking in women and children. It also cooperates closely with countries within the INTERPOL and ASIANPOL frameworks.

Official Vietnamese institutions including MOLISA, the Women's Union, the Youth Union and the Committee for Protection and Care of Children have active programs in place aimed at prevention and victims' protection. These programs included publicity to warn women and girls of these dangers, repatriation programs to help female returnees, and vocational training for teenage girls in communities considered vulnerable to trafficking in persons. Government agencies worked closely with the International Organization for Migration (IOM) and a number of international NGO's to provide temporary shelter, some medical services, education, and rehabilitation to returned trafficking victims. Although voluntary commercial sex workers are subject to criminal sanctions, the Government seeks to assist trafficking victims. Trafficking victims in general are not treated as criminals, but women trafficked into prostitution may be prosecuted for prostitution.

Government agencies work with international NGO's on mass media campaigns, community outreach visits, distribution of leaflets, and vocational training in their efforts to prevent trafficking. In one project, IOM and the Women's Union trained 7,000 activists for community outreach and distributed half a million pamphlets in 14 of the country's provinces most vulnerable to trafficking.