

NEAR EAST AND NORTH AFRICA

ALGERIA

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

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

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

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

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

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

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

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

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

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

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions.⁹ There were no reported cases in which the Government invoked the new amendments by year's end.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Worker Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BAHRAIN

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

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

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

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

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

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

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

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

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

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Worker Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EGYPT

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

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

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

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

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

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

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

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

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

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suspected Islamic group members were released during the year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Government did not use forced exile.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Worker Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IRAN¹

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

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

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

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

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

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

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

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

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

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adherents of the Baha'i Faith continued to face arbitrary arrest and detention. According to Baha'i sources, four Baha'is remained in prison at the end of the year, including two who were convicted of either apostasy or "actions against God" and sentenced to death, but whose sentences were commuted to life in prison. The Government adhered to a practice of keeping a small number of Baha'is in detention at any given time. Sources claimed that such arrests were carried out to "terrorize" the community and to disrupt the lives of its members. Most of those arrested were charged and then quickly released. However, the charges against them were often not dropped, forcing them to live in a continuing state of uncertainty and apprehension (see section 2.c.). In October 2001 authorities released two Baha'is from prison in Mashad. One of those, whose original death sentence was reduced to 5 1/2 years, was released after serving 5 years. The other was released after completing his 4-year sentence, which had been reduced from his original sentence of ten years (see Section 2.c.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

However, over the past several years, the Government has taken some positive steps in recognizing the rights of Baha'is, as well as other religious minorities. In November 1999, President Khatami publicly stated that no one in the country should be persecuted because of his or her religious beliefs. He added that he would defend the civil rights of all citizens, regardless of their beliefs or religion. Subsequently the Expediency Council approved the "Right of Citizenship" bill, affirming the social and political rights of all citizens and their equality before the law. In February 2000, following approval of the bill, the head of the judiciary notified all registry offices in the country that they should permit couples to be registered as husband and wife without being required to state their religious affiliation. This measure effectively permitted the registration of Baha'i marriages in the country. Previously Baha'i marriages were not recognized by the Government, leaving Baha'i women open to charges of prostitution. Consequently, children of Baha'i marriages were not recognized as legitimate and were denied inheritance rights. At the end

of the year, Baha'is could obtain ration booklets and send their children to public elementary and secondary schools.

The UNSR estimated the Christian community at approximately 300,000. Of these the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, although nonethnically based groups report restrictions on their activities. The UNSR reported that Christians were emigrating at an estimated rate of 15,000 to 20,000 per year.

The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians, whose services were conducted in Persian. Government officials closed evangelical churches and arrested converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers were subject to identity checks by authorities posted outside congregation centers. Meetings for evangelical services were restricted by the authorities to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members to their congregations.

Mistreatment of evangelical Christians continued in recent years. Christian groups have reported instances of government harassment of churchgoers in Tehran, in particular of worshipers at the Assembly of God congregation in the capital. Cited instances of harassment included conspicuous monitoring outside Christian premises by Revolutionary Guards to discourage Muslims or converts from entering church premises and demands for presentation of identity papers of worshipers inside.

Estimates of the size of the Iranian Jewish community varied from 25,000 to 30,000; a substantial reduction from the estimated 75,000 to 80,000 Iranian Jews prior to the 1979 revolution.

While Jews were a recognized religious minority, allegations of official discrimination were frequent. The Government's anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and the State of Israel, created a threatening atmosphere for the small community. Jews limited their contact with and did not openly express support for Israel out of fear of reprisal. Recent anti-American and anti-Israeli demonstrations included the denunciation of Jews, as opposed to the past practice of denouncing only Israel and Zionism, adding to the threatening atmosphere for the community. Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

Some Jewish groups outside the country reported an increase in anti-Semitic propaganda in the official and semiofficial media. One example was the periodic publication of the anti-Semitic and fictitious "Protocols of the Elders of Zion," both by the Government and by periodicals associated with hard line elements of the Government.

The Government allowed the practice of Judaism, but restricted and interfered with it in practice. Education of Jewish children has become more difficult in recent years. The Government allowed the teaching of Hebrew, recognizing its necessity for the practice of Judaism. However, it strongly discouraged teachers from distributing Hebrew texts to students, making it difficult to teach the language in practice. The Government also required that several Jewish schools remain open on Saturdays, the Jewish Sabbath, to conform with the schedule of other schools in the school system.

Jews were gradually dismissed from most government positions after 1979. Members of the community are permitted to obtain passports and to travel outside the country; however, with the exception of certain business travelers, they were required by the authorities to obtain government clearance (and pay additional fees) before each trip abroad. The Government appeared concerned about the emigration of Jews. Permission generally was not granted for all members of Jewish families to travel outside the country at the same time (*see* Section 2.d.).

In February and March 1999, 13 Jews were arrested in the cities of Shiraz and Isfahan. Among the group were several prominent rabbis, teachers of Hebrew, and their students. The charges centered on alleged acts of espionage on behalf of Israel, an offense punishable by death. The 13 were jailed for more than a year before trial, largely in solitary confinement, without official charges or access to lawyers. In April 2000, the defendants were appointed lawyers, and a closed trial commenced in a revolutionary court in Shiraz. Human rights groups and governments around the world criticized the lack of due process in the proceedings. The UNSR characterized them as "in no way fair." In July 2000, 10 of the 13, along with 2 Muslim defendants, were convicted on charges of illegal contact with Israel, conspiracy to form an illegal organization, and recruiting agents. They received prison sentences ranging from 4 to 13 years. Three were acquitted. The lawyers of those convicted filed

an appeal and in September 2000, an appeals court overturned the convictions for forming an illegal organization and recruiting agents, but upheld the convictions for illegal contacts with Israel. Their sentences were reduced to between 2 and 9 years imprisonment. In January 2001, the Supreme Court rejected a final appeal. One of the ten convicted was released in February 2001 upon completion of his prison term, and another was released in January of this year at the end of his term. Three additional prisoners were released in October, leaving five remaining in prison at year's end.

Jewish groups outside the country noted that the March 1999 arrest of the 13 Jewish individuals coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hardline elements of the Government. Since the beginning of the trial, Jewish businesses in Tehran and Shiraz have been targets of vandalism and boycotts, and Jews have reportedly suffered personal harassment and intimidation.

The group "Families of Iranian Jewish Prisoners" (FIJP) has gone public with the names of twelve Iranian Jews who disappeared while attempting to leave the country in the 1990s. FIJP believes that the Government has dealt with these cases differently than it dealt with other cases of people being captured while trying to escape from the country because these individuals were Jewish (*see* Section 1.b.).

According to the U.N. High Commissioner for Refugees (UNHCR), Mandaeans were regarded as Christians, and were included among the country's three recognized religious minorities. However, Mandaeans regarded themselves as adherents of a religion that practices Christianity in both belief and practice. The small community faced discrimination similar to that experienced by the country's other pre-Islamic religious minorities.

The Government restricted the movement of several senior religious leaders, some of whom had been under house arrest for years (*see* Sections 1.d. and 2.d.).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government placed some restrictions on these rights. Citizens may travel within the country, although there were restrictions on travel to Kurdish areas during times of occasional heavy fighting. Roadblocks and security checks were common on routes between major cities. Citizens may change their place of residence without obtaining official permission. The Government required exit permits (a validation stamp in the passport) for draft-age men and citizens who were politically suspect. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits. The Government restricted the movement of certain religious minorities and several religious leaders (*see* Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of antigovernment activities abroad. Cassette tapes, printed material, personal correspondence, and photographs were subject to confiscation.

The Government permitted Jews to travel abroad, but often denied them multiple-exit permits issued to other citizens. Baha'is often experienced difficulty in obtaining passports.

Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before being allowed to leave the country.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Although the Government generally provided first asylum, it sometimes increased pressure on refugees to return to their home countries, particularly when the economy worsened.

The country hosted a large refugee population, mostly Afghans. At the end of the year, there were approximately one million refugees from Afghanistan, a decrease from the 2 million estimated by the UNHCR in 2001. Hundreds of thousands of Afghan refugees returned to Afghanistan during the year. The UNHCR expressed concern that the Government was pressing them to leave, a contention the Government denied. Most refugees subsisted on itinerant labor. The Government accused many Afghans of involvement in drug trafficking; as a result, there were reports that many of them were arrested and executed. With the conflict in Afghanistan after the September 2001 terrorist attack in the U.S., many more Afghans attempted to enter the country across the Iranian border. However, the Government had sealed its border in anticipation of a war in Afghanistan. The Government set up several refugee camps just inside Afghanistan to deal with the crisis.

The UNHCR estimated that there were approximately 450,000 to 510,000 Iraqi Kurdish refugees in the country at the end of 2001, of whom approximately 83 percent were Shi'a and 17 percent non-Shi'a. An additional 70,000 refugees were Shi'a Arabs. Many of the Iraqi refugees were expelled by Iraq at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian governments disputed their citizenship, rendering many of them stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990.

Although the Government claimed to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them.

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

The right of citizens to change their government is restricted significantly. The Supreme Leader, the recognized Head of State, is selected for a life term by the Assembly of Experts. The Assembly of Experts may also remove the Supreme Leader. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerics dominate the Government. The Government repressed attempts to separate state and religion or to alter the State's theocratic foundation. The Government effectively controlled the selection of candidates for elections, although a bill approved by the Parliament and now awaiting approval by the Guardian Council would weaken its control. The Constitution provides for a Council of Guardians, composed of six Islamic clergymen and six lay members, who review all laws for consistency with Islamic law and the Constitution. The Council also screens political candidates for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies also have been disqualified.

Regularly scheduled elections are held for the President, members of the Majles, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majles for "liberalism" and "negligence," was reelected President in 2001 with 77 percent of the vote. The UNSR reported that the Guardian Council significantly limited the number of candidates permitted to run and noted that the Interior Minister denounced the "unprincipled disqualification" of candidates.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government improperly predetermined the election results.

Elections were held for the 290-seat Majles in February 2000. Of more than 6,000 candidates, 576 were disqualified before the elections by the Council of Guardians, which represented a substantial decrease from the 44 percent who were disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. However, candidates with a wide range of views were permitted to run. The elections resulted in a landslide victory for moderate and reform candidates, who constituted a large majority in the Majles. In June 2001, elections were held for Majles seats. The Council of Guardians reportedly disqualified 100 potential candidates, more than one-quarter of those wishing to run. Largely due to the disqualification of reform candidates, conservative candidates or conservatives running as independents won all six seats up for election. Vigorous parliamentary debates took place regarding various issues. However, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majles.

In February 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. The Councils did not appear to have been granted the autonomy or authority to make them effective or meaningful local institutions; doing so would have been viewed as a threat to the control of the central government. The next local council elections will be held in February 2003.

Women held 9 out of 290 Majles seats. There were no female cabinet members, although several held high level positions and a woman served as Presidential Adviser for Women's Affairs.

Christians, Jews, and Zoroastrians elected deputies to Majles seats reserved for them. However, religious minorities, by law and practice, were barred from being

elected to a representative body—except to the seats in the Majles reserved for them—and from holding senior government or military positions. Religious minorities were allowed to vote, but could not run for president.

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

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their fields, as well as harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change was curtailed severely by the Government. Although there were a few domestic NGOs, there was no information available on what type of groups they were or the services they provided.

International human rights NGOs such as HRW and Amnesty International (AI) were not permitted to establish offices in or conduct regular investigative visits to the country. Representatives of HRW and AI, who were asked by the European Union to attend EU-Iran human rights talks in December as part of the EU delegation, were barred by government authorities from attending the talks. HRW and members of a European judicial monitoring NGO were permitted to send representatives to Shiraz for the trial of 13 Jewish citizens on espionage charges (see Section 2.c.). However, they were not permitted to monitor the trial proceedings.

After the defeat of the resolution criticizing the country and renewing the UNSR's mandate at the meeting of the Commission on Human Rights in the spring, press reports indicated that the country declared itself ready to welcome visits by thematic UN human rights rapporteurs from different fields. No such visits took place during the year. However, the country was engaged in discussions on human rights with the EU in connection with the Trade and Cooperation Agreement embarked upon by the two sides.

The ICRC and the UNHCR both operated in the country. However, the Government did not allow the UNSR for Human Rights in Iran to visit the country from 1997 to 2001, the last year his mandate to monitor human rights in the country was in effect. When the UNSR was last allowed entry into the country to gather information for his yearly report in 1996, he was able to correspond with government officials during the period of his mandate and often received replies to his inquiries.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majles. However, most observers believed that these committees lacked independence and power.

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

In general the Government did not discriminate on the basis of race, disability, language, or social status; however, it discriminated on the basis of religion and sex. In some instances, it discriminated on the basis of language, such as with the Kurds, Azeris, and Ahwazi Arabs.

Women.—Although spousal abuse and violence against women occurred, statistics on such abuse were not available. Abuse in the family was considered a private matter and seldom was discussed publicly. Rape is illegal; however, the law was rarely enforced and rape was a widespread problem. The UNSR published statistics provided by the IHRC indicating that at the end of 2001, of a total of approximately 3,000 currently active files, an estimated 1,000 were related to women's issues. However, the UNSR noted in his September 2000 report that media reporting on the situation of women diminished, in part due to the closure of the reform-oriented press (see Section 2.a.).

Prostitution was illegal. Accurate information regarding the extent of the problem was not widely available, although the issue received widespread attention during their year as a result of the public's greater interest in social problems. However, press reports described prostitution as a severe problem. There was a growing understanding of the need to deal with the problem, especially because of its role in the spread of AIDS.

Press reporting indicated that the Government acknowledged that prostitution had become very widespread, and was conducting a crackdown. In July two well-known soccer players were sentenced to 170 lashes after being arrested at a brothel. The Government closed many brothels around the country during the year and the police reportedly arrested 243 persons involved in prostitution networks. There was

a report that a man was executed in April in Mashad for killing sixteen prostitutes. He claimed that he considered the killings to be a religious obligation. In another instance, in the city of Karaj, a judge of a revolutionary court was sentenced to 10 years in prison and a lashing for forcing runaway girls into prostitution.

Reports indicated that due to the passage of persons across the border with Afghanistan, there was a rise in trafficking. There were also reports in 2001 that women were trafficked into the United Arab Emirates (UAE) for forced prostitution (see Section 6.f.).

Discrimination against women was reinforced by law through provisions of the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill adopted in 1967, that gave women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care.

Even though the law permits it, marriage at the minimum age of nine is rare. All women must have the permission of their father or a male relative in order to marry. The law allowed for the practice of temporary marriages based on a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The temporary marriage may last any length of time. According to Shi'a Islamic law, men may have as many temporary wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions that mandate the stoning of women and men convicted of adultery, although judges were instructed at the end of the year cease sentencing adulterers to stoning (see Section 1.c.). Women have the right to divorce. However, a husband is not required to cite a reason for divorcing his wife. In December a new law made the adjudication of cases in which women demand divorces less arbitrary and less costly.

Privileges accorded to men by custom and traditional interpretations of Islamic law are limited by a model contract which recognizes a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony rights. Women who remarry are forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child. Muslim women may not marry non-Muslim men, and the testimony of a woman is worth half that of a man in court. The "blood money" paid to the family of a female crime victim is half the sum paid for a man, and will remain so even if the new law passed by the Majlis equalizing "blood money" for Muslims and non-Muslims is accepted by the Guardian Council (see section 2.c.). Any change would only pertain to men. A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

Women had access to primary and advanced education; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields. However, many women choose not to work outside the home. According to international organizations, there were 2 million women in the work force in 2001, of whom approximately 1.8 million were employed during the year. The law provides maternity, child care, and pension benefits.

The Government enforced gender segregation in most public spaces, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. Women were prohibited from attending male sporting events, although this restriction did not appear to be enforced universally. While the enforcement of conservative Islamic dress codes varied, what women wore in public was not entirely a matter of personal choice. The authorities sometimes harassed women if their dress or behavior was considered inappropriate, and women may be sentenced to flogging or imprisonment for such violations (see Section 1.c.). The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work.

Children.—Except in isolated areas of the country, children had access to free education through the 12th grade (compulsory to age 11), and to some form of health care.

There was not enough information available to reflect how the Government dealt with child abuse.

A girls' center in Karaj reportedly was involved in the trafficking of girls (*see* Section 6.f.).

Persons with Disabilities.—There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities is prohibited. Film clips showed children tied or chained to their beds, in filthy conditions, and without appropriate care. It is not known to what extent this represents the typical treatment of persons with disabilities since from 1996.

National/Racial/Ethnic Minorities.—The Kurds sought greater autonomy from the central government and continued to suffer from government discrimination. The Kurds' status as Sunni Muslims is an aggravating factor in their relations with the Shi'a-dominated government. Such tensions predated the revolution. Kurds often were suspected by government authorities of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. Sunni Kurds protested against the appointment of a Shi'a governor in the Kurdistan province, who was chosen over numerous Sunni Kurdish candidates.

The Democratic Party of Iranian Kurdistan (PDKI) claimed that the Government arrested and executed at least three of its members during the year. Other sources claimed the number executed in October was three or five.

According to the UNSR, President Khatami, who won an overwhelming percentage of the Kurdish vote in the recent Presidential election, has made several conciliatory gestures to the Kurdish population. He appointed the first Kurd to hold the position of Governor of Kurdistan, and the Governor appeared to be facilitating a "process of reconciliation." The UNSR reported that the Government appeared to be encouraging Kurdish cultural expression, and subsidizing some Kurdish language classes. The number of Kurdish publications increased, and discussion of limited Kurdish TV broadcasting began. However, there was still no public school education in the Kurdish language.

Azeris are well integrated into the Government and society, but complained of ethnic and linguistic discrimination. The Government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Mohammed Chehregani, an advocate for the cultural rights of Azeris, has been arrested, imprisoned, tortured, and released several times over the past five years. According to Azeri groups, Chehregani's December 1999 arrest was made to prevent his registration as a candidate for the February 2000 parliamentary elections (*see* Section 1.d.). They also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The Government has charged several of them with "revolting against the Islamic state."

Foreign representatives of the Ahwazi Arabs of Khuzistan, whose numbers could range as high as 4 million or more, claimed that their community in the southwest of the country suffered from discrimination. They claimed that the Ahwazis were denied the right to study, speak, publish newspapers, and educate their children in Arabic, and that the use of Arabic names for babies was prohibited except for ordinary Shi'a religious names. They asserted that the Government has ignored their appeals to de-mine the vast stretches of Khuzistan which were mined during the Iran-Iraq War, and that consequently, many people, especially children, continued to be maimed by mines. They further stated that many Arabs, both Shi'a and Sunni, have been imprisoned and tortured for voicing opinions critical of government policies. According to these sources, five Arab-Iranian men have been hanged in the past several years for opposing the Government's policy of confiscating Arab lands in Khuzistan province.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code grants workers the right to establish unions; however, the Government did not allow independent unions to exist. A national organization known as the Worker's House, founded in 1982, was the sole authorized national labor organization. It served primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinated activities with Islamic labor councils, which were made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control, although they frequently were able to block layoffs and dismissals.

According to the International Confederation of Free Trade Unions (ICFTU) Annual Survey of Violations of Trade Union Rights for the year, the role of the Work-

er's House changed in recent years, and there was more tolerance of workers' organizations, which included four nurses organizations, a health workers' union, and a textile workers' union. The report also notes that a February 2000 law exempted companies with up to 5 employees from the need to comply with labor legislation for 6 years. This law affected approximately 3 million workers, making them easier to hire and fire.

The Labor Code allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs.

Instances of late or partial pay for government workers reportedly were common. There were no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively.—Workers did not have the right to organize independently and negotiate collective bargaining agreements. The ICFTU also noted that the presence of security/intelligence forces in the workplace, as well as increasing use of temporary contracts, acted as obstacles to organizing.

The Government did not tolerate any strike deemed to be at odds with its economic and labor policies. The law prohibits strikes by government workers. It also prohibits government workers from having contacts with foreigners and stipulates penalties for failure to observe Islamic dress codes and principles at work. Nevertheless, strikes did occur. In addition to strikes, there were also work stoppages and protests by oil, textile, electrical manufacturing, and metal workers, as well as by the unemployed.

Many of these protests were due to non-payment of wage arrears, according to the ICFTU. It cited a March 2001 demonstration by 4,500 workers of the Simin textile factory in Isfahan, which was forcibly broken up by security forces, resulting in injuries and arrests. Another demonstration in May 2001 by 1000 textile workers at the Baresht factory for the same grievance was also attacked by police. Another protest by textile workers outside the Parliament building in June resulted in satisfaction of their demands, but subsequent demonstrations by workers there in July and in Isfahan in October were violently repressed.

It is not known whether labor legislation and practice in the export processing zones differ from the law and practice in the rest of the country. According to the ICFTU's Annual Survey of Violations of Trade Union Rights for the year, labor legislation did not apply in the export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this did not appear to be enforced regularly. This provision has been criticized frequently by the International Labor Organization (ILO) as contravening ILO Convention 29 on forced labor. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, it was a serious problem (see Section 6.c.). The Labor Law prohibits employment of minors under 15 years of age and places restrictions on the employment of minors under age 18; however, laws pertaining to child labor were not enforced adequately. The law permits children to work in agriculture, domestic service, and some small businesses. By law, women and minors may not be employed in hard labor or night work. Information regarding the extent to which these regulations were enforced was not available. In August the country ratified ILO Convention 182 on the worst forms of Child Labor.

e. Acceptable Conditions of Work.—The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, no information was available regarding mechanisms used to set wages. It was not known if the minimum wages were adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. Under poor economic conditions, many middle-class citizens must work two or three jobs to support their families. The daily minimum wage for an uneducated laborer was \$2.50 (2000 tomans), which was not sufficient to provide a decent standard of living for a worker and family.

The Labor Code establishes a maximum 6-day, 48-hour workweek, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. The Council reportedly issued 28 safety directives, and oversaw the activities of 3,000 safety committees established in enterprises employing more than 10 persons. Labor organizations outside the country have alleged that hazardous work

environments have been common in the country and have resulted in thousands of worker deaths per year. It was not known how well the Ministry's inspectors enforced regulations. It was not known whether workers could remove themselves from hazardous situations without risking the loss of employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and persons reportedly were trafficked to, through, and from the country during the year. Anecdotal reports indicated that during the year, there may have been a rise in trafficking due to the unsettled situation and passage of people across the border with Afghanistan. It was difficult to measure the extent of the Government's efforts to curb human trafficking, but national and international press reporting indicated that Tehran has taken action against bandits involved in abducting women and children. The regime has also reportedly arrested, convicted, and executed numerous human trafficking offenders. During the year, police reportedly arrested numerous members of prostitution rings and closed down brothels.

In May the police arrested 100 persons, including both citizens and foreigners, who had allegedly trafficked young girls to France, Britain, Turkey, and certain Gulf countries. There were three other large networks discovered in the investigation which sent girls to the UAE, Kuwait, Qatar, and Turkey.

In June senior judicial officials were implicated in a prostitution network in Tehran and in August, the judge of a revolutionary court in the Karaj was sentenced to 10 years in prison and a lashing for forcing runaway girls to work as prostitutes.

Also in August, authorities broke up a prostitution ring in Mashad that was responsible for trafficking many young women into Pakistan for forced prostitution.

The UNSR noted in his August 2001 report that a girl's shelter in Karaj, the Jasmine Center, was closed down after an investigation reportedly revealed that it had become involved in the trafficking of girls. The press focused on the high-level connections of the operators of the Center. The authorities subsequently charged a judge of the Revolutionary Court in the affair.

There were reports in 2001 that women were trafficked to the UAE for the purpose of forced prostitution. There also were reports in 2001 that young boys were trafficked through the country to be camel jockeys in the UAE.

There were reportedly three trials in 2001 related to the trafficking of persons; however, there was no information regarding the details of the trials or their outcomes.

IRAQ¹

Under the provisional Constitution of 1968, Iraq claims to be a democratic republic. However, political power has rested exclusively in a harshly repressive one-party apparatus dominated by Saddam Hussein al-Tikriti and members of his extended family. According to the Constitution, the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercised both executive and legislative authority. President Saddam Hussein, who was also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, therefore wielded absolute decisive power. Hussein and his regime obtained 100 percent of the votes cast in a nondemocratic "referendum" on his presidency held in October that did not include secret ballots, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. The judiciary was not independent, and the President had the ability to override any ruling or refer any case to a secret system of special courts outside the normal judiciary.

Under the RCC and Ba'th party structure, the Tikriti family maintained total effective control of the security forces and the military. The regime's security apparatus included militias attached to the President, the Ba'th Party, and the Interior Ministry. The military and these paramilitary forces often played an internal security role and were central to maintaining the environment of intimidation and fear on which regime power depended. The regime historically made little attempt to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses; however, in February it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed widespread, serious, and systematic human rights abuses. In the Kurdish North, party militias under civilian control provided regional security and have committed human rights abuses.

¹The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

The country has an estimated population of 24 million people. The regime owned all major industries and controlled most of the highly centralized economy, which is based largely on oil production. The Iran-Iraq and Gulf Wars damaged the economy, and the country has been subject to U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions—the “oil-for-food” program. Under the program, the country also was permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agriculture, and education projects, and spare parts for the oil sector. The regime routinely circumvented U.N. sanctions. Under a Memorandum of Understanding with the U.N., the regime shares administration of 13 percent of “oil for food” revenues with Kurdish parties in areas under their control.

Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix likewise is varied and consists of Shi’a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Kurdish Yazidis, and a small number of Jews and Sabean Mandeans. Civil uprisings occurred in previous years, especially in Kurdish areas in the north and Shi’a areas in the south. The minority Arab Sunni regime reacted with extreme repression against those who oppose or even question it. The regime also systematically forced the removal of ethnic minorities under its policy of “Arabizing” arable land.

The regime’s human rights record remained extremely poor, and it continued to commit numerous, serious human rights abuses. Citizens did not have the right to change the regime. The regime continued summarily to execute alleged political opponents and leaders of the Shi’a religious community. Reports suggested that persons were executed merely because of their association with an opposition group. The regime continued to be responsible for disappearances and to kill and torture persons suspected of or related to persons suspected of oppositionist politics, economic crimes, military desertion, and a variety of other activities.

Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions were extremely poor and frequently life threatening. The regime reportedly conducted “prison cleansing” campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The regime granted a much-publicized amnesty in October to all prisoners except those accused of spying for the United States or Israel, but by all accounts prisoner release was not as universal as claimed. This public relations event served mainly to corroborate previous reporting of summary executions, disappearances, torture, and inhuman living conditions within the regime’s prison system. Many prisoners remained unaccounted for after the amnesty.

Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The regime continued to infringe on citizens’ privacy rights. The regime severely restricted freedoms of speech, the press, assembly, association, religion, and movement. The U.N. Special Rapporteur on the situation of human rights in the country issued a report in March detailing ongoing, grievous violations of human rights by the regime. The U.N. Commission on Human Rights and the U.N. General Assembly passed a resolution in November criticizing the regime’s suppression of these freedoms. In April the European Parliament published a report condemning the regime’s human rights abuses. Nevertheless, human rights abuses remained difficult to document because of the regime’s concealment of facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to allow visits of human rights monitors, and its continued restrictions designed to prevent dissent. Although in February, the Special Rapporteur was allowed a single, 4-day visit to research abuses in the country for the first time since 1992, time and access were severely limited and strongly controlled by the regime. It has refused to allow a followup visit. Past U.N. reporting on the regime’s human rights abuses was based almost entirely on interviews with recent emigrants, opposition groups and others that had contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occurred.

The regime has enacted laws affording a variety of protections to women; however, it has been difficult to determine the practical effects of such protections. The regime neglected the health and nutritional needs of children and discriminated against religious minorities and ethnic groups. The regime restricted severely trade union rights, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok,

and Sulaymaniah since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held, although reunification measures were long delayed. The unified Assembly was convened for the first time in October. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May 2001, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP, PUK, and other opposition groups committed human rights abuses. However, the PUK and KDP have enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP have established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, including the International Committee of the Red Cross (ICRC), and to recommend ways to end abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In keeping with its long and established record of executing perceived or alleged political opponents, the regime committed numerous political and other extrajudicial killings throughout the reporting period. The U.N. Special Rapporteur repeatedly criticized the regime for the “sheer number of executions” taking place in the country, the number of “extrajudicial executions on political grounds,” and “the absence of a due process of the law.”

The list of offenses legally requiring a mandatory death penalty has grown substantially in past years and includes anything that could be characterized as “sabotaging the national economy.” This includes offenses such as forgery, as well as smuggling cars, spare parts, heavy equipment, and machinery. More significantly, the Special Rapporteur noted that mere membership in certain political parties was punishable by death, and that there was a pervasive fear of death for any act or expression of dissent. There were recurrent reports of the use of the death penalty for such offenses as “insulting” the President or the Ba’th Party. The Special Rapporteur also noted that even the “suggestion that someone is not a supporter of the President carries the prospect of the death penalty.”

As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba’th Party. These executions included high-ranking civilian, military, and tribal leaders. In January Iraq Press (IP) reported that three dissidents—Ali Hassan Abed, Jawad Kadhem, and Abdujabaleel al-Uqaili—were executed for allegedly attacking members of the Ba’th Party. In February IP also reported that 10 senior army Republican Guard officers, including Lieutenant General Mohammed al-Dulaimi, were executed for allegedly plotting a coup. In April the U.K.-based Guardian newspaper reported that Lieutenant Colonel Mohamad Daham al-Tikriti, a recent defector from the General Security Service, admitted that in February 150–200 civilians were killed “at random” on suspicion of conspiracy and buried in a mass grave near Baghdad as part of a larger effort in which 1,500 civilians were summarily executed in the first 2 months of the year. According to Human Rights Watch (HRW) World Report for 2003, civilians detained in Abu Ghurayb prison were apparently executed in March and others in June. A number of military personnel were reportedly also executed in March in Baghdad, Mosul, and other cities. HRW also documented that 11 military officers, including an Army Major General, were executed between March and July 2001; and other executions of mid-level to senior officers occurred in August and October 2001, all on the charge of involvement in suspected coup attempts. In June the Iraqi Communist Party (ICP) reported that eight citizens from Basra were executed in November 2001 on suspicion of contacting the opposition.

The regime reportedly continued to pursue a policy of eliminating prominent Shi’a clerics and their followers suspected of disloyalty to the regime. For instance, the Sunday Times reported in May that regime security forces attacked Shi’a worshippers in Karbala on a religious pilgrimage to the shrine of Imam Hussein, killing at least 40 of them. This continued an alleged pattern of repression against Shi’a. For example, according to HRW, five Shi’a from al-Najaf province were among those apparently executed in March in Abu Ghurayb prison. In 2001 the regime reportedly executed two Shi’a clerics for claiming that the regime was involved in the killing

of a Shi'a cleric in 1999 and killed another Shi'a cleric, Hussein Bahr al-Uloom, for refusing to appear on television to congratulate Qusay Saddam Hussein on his election to a Ba'ath Party position. In 1998 and 1999, the regime killed a number of leading Shi'a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the regime that the killings might be part of a systematic attack by regime officials on the independent leadership of the Shi'a community (see Section 2.c.). The regime did not respond to the Special Rapporteur's letter.

Regime agents publicly targeted family members of defectors and dissidents for torture and killing (see Section 1.f.). This continued an alleged pattern of torture of relatives of dissidents. For example, in 2001 the regime reportedly tortured to death the mother of three Iraqi defectors for her children's opposition activities. In 2000 regime agents reportedly killed Safiyah Hassan, who allegedly publicly criticized the regime for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior regime officials; however, the brothers defected to Jordan in 1996. The regime offered the men immunity if they returned to the country; however, upon their return, regime agents killed them and their father.

Regime security forces conducted numerous killings of political prisoners, minority group members, criminal suspects, and others during attempted apprehension or while in custody. Opposition groups and defectors continued to provide detailed accounts, including the names of hundreds of persons killed, of summary prison executions carried out for the apparent purpose of reducing prison overcrowding. In September 2001, the regime executed 28 political prisoners in Abu Ghurayb prison as a part of its prison cleansing campaign. During 2000 the Special Rapporteur received reports referring to a prison cleansing execution campaign taking place in Abu Ghurayb, Radwaniyah, and other prisons. A former officer from the Mukhabarat (Intelligence Service) reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to "clean out" the country's prisons. The regime's motive for such high numbers of summary executions, estimated at more than 4,000 since 1997, may also be linked to reported efforts to intimidate the population.

In a much-publicized move, the regime announced 48 hours in advance a surprise amnesty, which included political prisoners and army deserters in October. Those released were mainly held in Abu Ghurayb prison. Press reports reflected evidence that some prisoners were summarily executed in anticipation of the release. Also, many families expecting the release of relatives in this amnesty reportedly discovered that they had been executed in captivity without trial. The regime made no effort to investigate current or past cases, answer accusations about summary executions, or identify and punish perpetrators during the year.

Among many other examples of killings in custody, HRW reported that the regime hanged 'Abd al-Waheed al-Rifa'i in March 2001 after 2 years in detention without trial. Relatives reported his body bore marks of torture when they collected it from the General Security Directorate in Baghdad. Reports of deaths in custody due to poor prison conditions and official negligence continued (see Section 1.c.). In addition, many people who were displaced forcibly still lived in tent camps under harsh conditions, which also resulted in many deaths (see Sections 2.d. and 5).

Reports of deaths of civilians caused by landmines continued. Approximately 7 million landmines left over from the Iran-Iraq war remain in place in northern Iraq. PUK representatives reported that the population living in the region under its control suffered approximately 250 casualties per month from exploded mines. Many of these victims died. Despite repeated requests, the regime refused to provide maps of known mine fields to facilitate their removal (see Section 1.g.).

There were many notable cases of regime extrajudicial killings that remained outstanding. As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW concluded that the regime's policies against the Kurds raised questions of crimes against humanity and violations of the 1948 Genocide Convention.

In February the Minister of Justice specifically informed the Special Rapporteur that prostitution is not punishable by death under the law and claimed that no one had been sentenced to death for prostitution in many years. However, security forces allegedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities in October 2001. Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, which included three doctors and one medical assistant.

Politically motivated killings by opposition groups and rebel/insurgent/terrorist groups continued. Political killings and terrorist actions continued in the Kurd-con-

trolled north of the country. For example, numerous press reports in November and December outlined several battles in the northeast between PUK forces and fighters of Ansar al-Islam (AAI), an Islamic extremist group. Such fighting continued a pattern of violence in that area. In 2001 assailants assassinated the governor of Erbil, Fransu Hariri. PUK and KDP investigators blamed Islamic groups such as AAI for the killing. In 2000 unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July 2000, unknown assailants killed parliamentary deputy Osman Hassan. Also in July 2000, PUK forces reportedly killed a number of members of the Iraqi Communist Workers Party (ICWP), and KDP forces killed several members of the Iraqi Turkmen Front (ITF). Neither the PUK nor the KDP released information regarding investigations into the killings. Political killings and terrorist actions continued in ethnically Shi'a southern provinces. In January IP reported three assailants attacked Major Kadhém al-Zaidi, a senior Mukhabarat officer notorious for his use of torture, near Basra. This continued a pattern of retaliatory violence in the south of the country. For example, in 2001 the Supreme Council for the Islamic Revolution in Iraq (SCIRI) reported that its members killed Raed Khidir, a Ba'th Party official in the south.

Killings due to societal violence were also reported. For example, Assyrian and Chaldean press reported in August that a Catholic nun was slain in Baghdad by alleged Muslim extremists (*see* Section 2.c.).

b. Disappearance.—There continued to be widespread reports of disappearances throughout the year. The regime did nothing to address accusations regarding previously reported disappearances. A large number of presumed disappeared citizens remained unaccounted for.

Hundreds were still missing in the aftermath of the brief military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported prison cleansing campaign (*see* Section 1.a.). The missing were primarily from the Kurd minority but included members of the Assyrian, Turkmen, and Yazidi communities.

The regime continued to ignore the more than 16,000 documented disappearance cases conveyed to it in 1994 and 1995 by the U.N. Special Rapporteur. Despite several well-publicized exchanges with Kuwait, Saudi Arabia, and Iran, the regime effectively ignored requests from those governments to account for those who disappeared during Iraq's 1990–91 occupation of Kuwait, and regarding prisoners of war captured in the 1980–88 Iran-Iraq war. The regime failed to return, and did little to account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The regime denied having any knowledge of the others and claimed that any relevant records were lost in the aftermath of the Gulf War, although it subsequently claimed to have provided such records to Kuwait in October. Iran reported that the regime still had not accounted for 5,000 Iranian prisoners of war (POWs) missing since the Iran-Iraq War. The Governments of Kuwait, Saudi Arabia, and Iran repeated calls for more dialog on this subject.

The majority of the 16,496 cases known to the Special Rapporteur were persons of Kurdish origin who disappeared during the 1988 Anfal campaign. In February the International Alliance for Justice/Coalition for Justice in Iraq (AIJ/CJI) and the British Broadcasting Company (BBC) reported the discovery of a fourth mass grave holding the executed bodies of six ethnic Kurds believed killed during the Anfal campaign, providing further evidence of the fate of the disappeared Kurds. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch estimated the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of disappearance cases known to the Special Rapporteur consisted of Shi'a who were reported to have disappeared in the late 1970s and early 1980s as their families were expelled to Iran due to their alleged Persian ancestry.

In 2001 AI reported that the regime has the world's worst record for numbers of persons who disappeared and remained unaccounted for. Numerous credible reports alleged the existence of special prison wards that held individuals whose whereabouts, status, and fate was not disclosed (*see* Section 1.c.).

In 1997 and 1999, AI documented the repeated failure by the regime to respond to requests for information about persons who disappeared. The report detailed numerous unresolved cases dating from the early 1980s through the mid-1990s. The report concluded that few victims became targets of the regime because of any crime they had committed; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested because of their family's link to a political opponent or simply because of their ethnic origin (*see* Sections 1.d. and 1.f.).

The Special Rapporteur and several human rights groups continued to request that the regime provide information about the 1991 arrest of the late Grand Ayatollah Abdullah Quasi Al-Koei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the regime refused to respond to queries regarding their status. Similarly, AI identified a number of Ayatollah Sadden al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remained unknown. In its November 1999 report, AI identified eight aides of al-Sadr who disappeared.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the regime continued to hold thousands of other citizens in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

In October press reports indicated that prisoners released in the prisoner amnesty, and families of prisoners that failed to appear after the release, alleged that numerous political prisoners remained incarcerated or had been secretly executed in prison. This event appeared to confirm the reported pattern of disappearances and secret executions alleged by human rights groups. The regime did not acknowledge conducting abductions, and has not initiated any investigations into alleged disappearances, nor attempted to bring perpetrators to justice.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture; however, the security services routinely and systematically tortured detainees throughout the year. According to former prisoners, torture techniques included branding, electric shock administered to the genitals and other areas, beating, removal of fingernails, amputation without anesthesia, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping of acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture was often apparent when security forces returned the mutilated bodies of torture victims to their families. There were persistent reports that families were made to pay for the cost of executions of loved ones. Refugees who arrived in Europe often reported instances of torture to receiving governments and displayed scars and mutilations to substantiate their claims. In August 2001, AI released a report entitled "Iraq: Systematic Torture of Political Prisoners," which detailed the systematic and routine use of torture against suspected political opponents and, occasionally, other prisoners.

The Special Rapporteur continued to receive reports that arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur expressed concern about cruel and unusual punishments prescribed by the law, including amputations and branding. In 2000 the authorities reportedly introduced tongue amputation as a punishment for persons who criticized Saddam Hussein or his family. In February regime authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein in the city of Diwaniya. As on previous occasions, authorities reportedly performed the amputation in front of a large crowd. Similar tongue amputations reportedly occurred in the city of Hilla during 2001. The regime never acknowledged such reports, conducted any investigation, nor took action against those who amputated prisoners' tongues. The Special Rapporteur received numerous reports of soldiers having their ears cut off as punishment for desertion. The Minister of the Interior admitted the existence of this practice, but claimed, in February, that "it had now definitively ceased."

There were numerous allegations of politically motivated torture and reports of torture against family members, including the children, of suspected critics of the regime. For instance, a Health Coordinator for the refugee health program in Yemen alleged in January that an Iraqi child under her care, bearing the marks of needle scars on its wrists and forearms, had reportedly been injected with an agent that caused severe mental retardation in retaliation for the father's suspected opposition to the regime. The U.K.-based Independent newspaper reported in March that the regime had begun publicly to threaten torture against family members of prominent exiled oppositionists and dissidents in an effort to curtail their political activities (see Section 1.f.). These reports continued a pattern of alleged systematic use of torture by the regime for political or other nationalist reasons. For example, the regime routinely tortured national soccer team players for poor performance. In May 2001, Saad Keis Naoman, a soccer player who defected to Europe, alleged that he and his teammates were beaten and humiliated at the order of Uday Saddam Hussein. In 2000 three soccer players, who played for a team that lost an October game in the Asian Cup quarterfinals, reportedly were whipped and detained for 3 days. Sharar Haydar Mohamad al-Hadithi, a former soccer player, stated in August

1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. In 1997 members of the national soccer team reportedly were beaten and tortured on Uday's orders because of poor play in a World Cup qualifying match.

Beyond the use of torture, the regime systematically employed cruel, inhuman, and degrading treatment of people for political purposes. For example, the BBC reported in June that the regime forbids parents from burying the bodies of deceased children for an extended period of time (reportedly up to 3 or 4 months) so that they can be amassed for burial after propaganda parades and nationalist ceremonies.

Human rights organizations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted and threatened sexual assault against officials, opposition members, and their families, in order to blackmail them into compliance (*see* Section 1.f.). This continued an alleged pattern of the regime's systematic use of rape for political purposes. Former Mukhabarat member Khalid Al-Janabi reported in 2001 that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure future cooperation (*see* Section 1.f.). The security forces allegedly also raped women who were captured during the Anfal campaign in the 1980s and during the 1990 occupation of Kuwait. The regime never acknowledged these reports, conducted any investigation, nor took action against those who committed the rapes.

Prison conditions were extremely poor and life threatening. There reportedly were numerous official, semi-official, and private prisons throughout the country. Overcrowding was a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post at that time, and the regime-owned daily newspaper Babel reiterated the regime's longstanding claim that it held virtually no prisoners. However, in February the Minister of Labor and Social Affairs admitted to the Special Rapporteur that the prison system was overcrowded. It remained unclear to what extent the mass executions committed pursuant to the prison cleansing campaign reduced overcrowding prior to the October prisoner amnesty (*see* Section 1.a.). It also remained unclear how many prisoners were actually released in the amnesty. Press reports indicated that the chief focus of the prison amnesty was Abu Ghurayb prison, and that other facilities held many political prisoners. Many families of prisoners who did not appear in the amnesty alleged that their relatives were either killed in custody or remained secreted in other facilities.

Certain prisons were infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwanayah, and other prisons reportedly had torture chambers. Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. There were numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly was the site of torture and a number of disappearances. The Al-Radwanayah detention center was a former POW facility near Baghdad and reportedly the site of torture as well as mass executions (*see* Section 1.a.).

In March the regime released the body of a prominent executed dissident. The family alleged that the body bore obvious marks of torture from his incarceration (*see* Section 1.a.). This continued an alleged pattern of systematic abuse of prisoners by the regime. For example, in 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners were locked in metal boxes the size of coffins that reportedly were opened for only 30 minutes each day. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party (CHR/ICP) stated that the complex included torture and execution chambers. A section reportedly was reserved for prisoners in a "frozen" state—whose status, fate, or whereabouts were not disclosed (*see* Section 1.b.). In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January 2000 as a result of torture and poor prison conditions. ICP reported that three prisoners were killed in a prison in Ashar in the southern province of Basra in March when a guard who was in the process of beating a number of prisoners fired a gun at prisoners who tried to defend themselves. Another prisoner injured in the incident reportedly later died of his wounds (*see* Section 1.g.).

In the past, the regime had not permitted visits by human rights observers, but did allow the Special Rapporteur to inspect briefly several prisons during his February visit. The Special Rapporteur observed that sections of the Abu Ghurayb facility that he visited kept prisoners in "conditions that were almost appalling." The regime claimed that prisons were open to inspections from the ICRC in accordance with standard modalities, but the ICRC had stated that it had only been given intermittent access to facilities such as Abu Ghurayb prison, and that access was only to well-known, better-kept facilities for foreign nationals.

Iraqi Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the ICRC and other international observers. According to the ICRC, regular and consistent improvement in conditions was observed on its weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly denied access to ICRC officials to those facilities. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the legal code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in the last few years because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plainclothes security agents, who offered no explanation and produced no warrant to the person or family members (*see* Section 1.f.). The authorities frequently denied detainees legal representation and visits by family members. In most cases, family members did not know the whereabouts of detainees and did not make inquiries for fear of reprisal. Many persons were taken away in front of family members, who heard nothing further until days, months, or years later, when they were told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (*see* Section 1.f.).

IP reported in March that the regime had arbitrarily arrested 50 Kurds in a new mass detention in Khanaqin as part of its ethnic cleansing campaign in Kurdish areas under its control. The report alleged that Ba'thist agents subsequently confiscated 40 private residences as part of this effort. This continued an alleged pattern of arbitrary arrest for political aims. For example, in 2001 the regime initiated an arrest and detention campaign involving thousands of individuals who initially had volunteered to serve in the newly formed Al-Quds militia force, but who had not shown up for training.

Mass arbitrary arrests and detentions often occurred in areas in which antiregime leaflets were distributed. In June 2001, the CJI reported that the regime arrested dozens of lawyers and jurists for distributing oppositionist leaflets that reportedly indicated the authors' intent to expose the regime's violations of human rights. Security forces arrested hundreds of persons in al-Najaf, Karbala, and in the Shi'a section of Baghdad following an anonymous distribution of antiregime leaflets in 2000. Many other arrests had no apparent basis. In September 2001, the regime arrested and expelled six U.N. humanitarian workers and refused to provide any evidence as a basis for its actions (*see* Section 1.g.).

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention.

The regime reportedly targeted the Shi'a community for arbitrary arrest and other abuses. In February IP reported that security authorities detained and questioned Grand Ayatollah Ali al-Sisstani in the city of Najaf without a warrant on several occasions. This continued an alleged pattern of the regime's use of arbitrary arrest and detention to persecute the Shi'a population. For example, in May 2001, the regime reportedly executed two Shi'a clerics, Abdulsattar Abed-Ibrahim al-Mausawi and Ahmad al-Hashemi, for claiming that the regime was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board. In the weeks preceding the February 1999 killing of Ayatollah Sadeq al-Sadr and two of his sons, many of al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (*see* Sections 1.a., 1.b., and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following Sadr's killing (*see* Section 1.g.).

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison (*see* Section 1.c.). According to a report received by the Special Rapporteur in 1998, such persons had been detained without

charge for close to 2 decades in extremely harsh conditions. The report stated that many of the detainees were used as subjects in the country's secret, outlawed experimental chemical and biological weapons programs.

Although no statistics were available, observers estimated the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

In recent years the regime made several efforts to improve its standing with human rights groups and the U.N. Special Rapporteur by declaring prisoner, deserter, and exilee amnesties, most recently in October (*see* Section 1.c.). In June 1999, in another example, the regime announced a general amnesty for citizens who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (*see* Section 2.d.). No citizens were known to have returned to the country based upon this amnesty, and an estimated 2 to 3 million self-exiled citizens reportedly remained fearful of returning to the country. For the most part, these declared amnesties have been dismissed as public relations gestures and merely corroborated allegations that the regime arbitrarily arrested and detained many citizens. Past reporting also indicated that it was very difficult or expensive for prisoners to obtain release once incarcerated. In May 2001, the press reported that the authorities released 3,000 prisoners who paid bribes to prison officials to have their prison terms cut. One former prisoner said his family paid approximately \$3,125 (5 million Iraqi dinars) for him to be released after serving 7 years of his original 15-year sentence.

The PUK and the KDP reportedly held some political prisoners and detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March 2000, the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (*see* Section 1.g.). In 2001 PUK and KDP officials reported that all remaining PUK and KDP political prisoners and detainees had been exchanged per the agreement.

e. Denial of Fair Public Trial.—The judiciary was not independent, and there was no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes the rule of law. Numerous laws facilitate continued repression, and the regime used extrajudicial methods to extract confessions or coerce cooperation.

There are parallel judicial systems: The regular courts, which try common criminal offenses; and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court. Special security courts reportedly have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often held defendants incommunicado and did not permit contact with lawyers (*see* Section 1.d.). The courts admitted confessions extracted by torture, which often served as the basis for conviction (*see* Section 1.c.). Many cases appeared to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or predilections.

The Minister of Justice admitted the existence of the special security courts in February but claimed that they were staffed with judges from the regular judiciary, and that trials in such courts were conducted with all the rights and procedures of the normal civil courts. This prompted the Special Rapporteur to conclude that if this were true, such courts were unnecessary. There were no Shari'a (Islamic law) courts; however, regular courts were empowered to administer Shari'a in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts in theory provide for many protections; however, the regime often assigned to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at regime expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The regime shielded certain groups from prosecution for alleged crimes. For example, a 1990 decree granted immunity to men who committed "honor crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behavior or alleged sexual misconduct (*see* Section 5). A 1992 decree granted immunity from prosecution to members of the Ba'ath Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but

widespread reports indicated that this decree had been applied to prevent trials or punishment of regime officials.

It was difficult to estimate the number of political prisoners, because the regime rarely acknowledged arrests or imprisonments, and families were afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in the past few years originally were held as political prisoners.

Both the PUK- and the KDP-controlled local administrations maintained separate judicial systems. They used the Iraqi legal code. Both come under a separate Supreme Court of Cassation. During the year, PUK and KDP officials reported that the PUK and KDP had exchanged all political prisoners and detainees in accordance with a 1999 agreement. However, the PUK and the KDP reportedly continued to hold some political prisoners and detainees (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The regime frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defined security offenses so broadly that authorities effectively were exempt from the legal requirement to obtain search warrants, and searches without warrants were commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The regime periodically jammed news broadcasts from outside the country, including those of opposition groups (*see* Section 2.a.). The security services and the Ba'th Party maintained pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities continued systematically to detain, abuse, and kill family members and close associates of alleged regime opponents (*see* Sections 1.a., 1.b., 1.d., and 1.g.). In January for example, AIJ/CJI reported that the regime publicly threatened on Iraqi satellite TV to systematically rape the female relatives of Faiq Sheikh Ali, a prominent dissident and journalist residing abroad, in retaliation for his criticism of the regime on a political talk show. This continued an alleged pattern of the regime's systematic interference with privacy for political reasons. For example, in May 2001, the authorities reportedly tortured to death the mother of three defectors because of her children's opposition activities. In June 2000, a former general reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the regime. In November 1999, the regime expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

The regime continued its Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. In March the Los Angeles Times reported that the regime extended its Arabization efforts to include the placement of Arab names on headstones in cemeteries in non-Arab communities. In April the regime issued a new decree to all hospitals and bureaus registering births and deaths prohibiting the registration of Christian names. As in previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches (*see* Sections 2.d. and 5). Regime officials also took hostage members of minority groups to intimidate their families into leaving their home regions (*see* Sections 1.d., 2.d., and 5). Authorities demolished the houses and detained and executed family members of Shi'a who protested regime actions (*see* Sections 1.d. and 1.g.).

The Special Rapporteur noted that guilt by association was facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, conscripts were required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted. Relatives who did not report deserters could lose their ration cards for purchasing regime-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons training camps (*see* Section 5).

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities. Others were publicly threatened on satellite television with rape or torture if their relatives failed to cease political activities (*see* Section 2.a.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The authorities continued to detain, abuse, and kill family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., and 1.f.). The regime had continued a campaign of intimidation directed at U.N. and nongovernmental organization (NGO) relief workers. In February 2001, the Foreign Minister threatened to cut official ties to U.N. workers supervising oil-for-food program distribution in northern Iraq, and to revoke their visas and deport them. In September 2001, the regime expelled six U.N. humanitarian relief workers without providing any explanation.

The regime continued to Arabize certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 1.d., 1.f., 2.d., and 5).

Landmines in the north, mostly planted by the regime before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq and Gulf Wars; however, the army failed to clear them before it abandoned the area. Kurdish officials estimated that at least 7 million landmines remained in place in Kurdish-controlled areas. Landmines also were a problem along the Iraq-Iran border throughout the central and southern areas in the country. There was no information regarding civilian casualties or the regime's efforts, if any, to clear old mine fields in areas under the central regime's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, landmines killed more than 3,000 persons in the three northern provinces since the 1991 uprising. PUK officials estimated that mine casualties in its area of control occurred at a rate of approximately 250 per month. The Special Rapporteur repeatedly reminded the regime of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various NGOs continued efforts to remove landmines from the area and increase awareness of mines among local residents. PUK officials stated that the regime repeatedly rebuffed requests to provide maps of known minefields. In December 1998, the regime declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 2001, Kurdish sources accused the regime of exploding a bomb near an NGO working on mine clearing in the north. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

Regime attacks on Shi'a worshippers continued an alleged pattern of the use of excessive force for internal political reasons. For example, following the February 1999 killing of Ayatollah Mohammad Sadeq al-Sadr and his sons (see Section 1.a.), hundreds of persons were reportedly killed in military assaults on protesters in Shi'a areas of Baghdad, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra. While a funeral for al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Regime security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. In 2000 authorities continued to target alleged supporters of al-Sadr. Security officials reportedly executed 36 religious students who had been arrested after al-Sadr's killing. In 1999 and 2000, as a reprisal for the disturbances following al-Sadr's killing, the regime expelled approximately 4,000 Shi'a families from Baghdad. Numerous Shi'a who fled the country in 1999 and 2000 told HRW that security forces interrogated, detained, and tortured them.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking. HRW and other organizations worked with various agencies to bring a genocide case at the International Court of Justice against the regime for its conduct of the Anfal campaign against the Kurds in 1988.

During the year, no hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress has been made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDPs) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented (see Section 1.d.). However, in 2001 the two main Kurdish parties reported some progress toward full implementation of the Washington Agreement, including the return of 3,000 IDPs displaced since the 1995–96 fighting, improved movement between the Kurdish-controlled areas, and the exchange of all prisoners. The unified Assembly was convened for the first time in October.

Press reports indicated that the PUK and AAI fought several minor battles resulting in a few deaths during the reporting period. Although minor compared to past events, this continued a pattern of violence in the Kurdish North. For example, in 2001 armed hostilities that resulted in deaths were reported between the PUK and Islamic groups, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. In July 2000, the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the ICWP reportedly refused to move. PUK security forces subsequently killed at least six ICWP members and arrested several others at an ICWP office in Sulaymaniah. PUK forces also killed several ICWP members who were inside a car. In connection with this dispute, the PUK closed the ICWP-affiliated Independent Women's Organization and the Women's Protection Center in July 2000 and detained temporarily 12 women who had been staying at an abused women's shelter within the Center. The PUK announced that it would investigate the security forces' actions; however, no information was available by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press “in compliance with the revolutionary, national, and progressive trend”; however, in practice the regime did not permit freedom of speech or of the press and did not tolerate political dissent in areas under its control. In November 2000, the U.N. General Assembly again criticized the regime’s “suppression of freedom of thought, expression, information, association, and assembly.” The Special Rapporteur stated in October 1999 that citizens lived “in a climate of fear,” in which whatever they said or did, particularly in the area of politics, involved “the risk of arrest and interrogation by the police or military intelligence.” He noted that “the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty.”

There were numerous reports throughout the year of regime interference in the freedom of speech. For example, in February the World Association of Newspapers (WAN) condemned the regime’s attempt to muzzle prominent dissident journalist Faiq Sheikh Ali (*see* Section 1.f.) and expressed concern that another prominent journalist received death threats during the year for his contact with members of the opposition. This continued a pattern of alleged regime interference in the freedom of speech. In June 2001, the Human Rights Alliance reported that the regime had killed more than 500 journalists and intellectuals over the previous decade.

The regime, the Ba’th Party, or persons close to Saddam Hussein owned all print and broadcast media and operated them as propaganda outlets. They generally did not report opposing points of view that were expressed either domestically or abroad. A 2002 Freedom House report rated press freedom in the country at 96 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high regime officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba’th Party. In February 2001, opposition press reported that the regime added the penalty of cutting out the tongue of anyone who ridiculed the President. There were several reports during the year that this penalty was imposed (*see* Section 1.c.).

The Ministry of Culture and Information periodically held meetings at which it issued general guidelines for the press. Foreign journalists must work from offices located within the ministry building and were accompanied everywhere they go by ministry officers, who reportedly restricted their movements and made it impossible for them to interact freely with citizens.

According to the Special Rapporteur, journalists were under continuous pressure to join the Ba’th Party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to local sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (*see* Section 6.a.). Each reporter must inform a security officer regarding the nature of news intended for the foreign media, and intelligence officers screen broadcasts before airing. In October the regime attempted to expel foreign journalists who reported on the spontaneous demonstrations of family members of disappeared prisoners that erupted after they failed to appear in the prison amnesty. This continued a pattern of interference in the freedom of the press. For example, in September 1999, Hashem Hasan, a journalist and Baghdad University professor, was arrested after declining an appointment as edi-

tor of one of Uday Hussein's publications. The Paris-based Reporters Without Borders (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts still remained unknown at year's end (*see* Section 1.b.).

The regime regularly jammed foreign news broadcasts (*see* Section 1.f.). Satellite dishes, modems, and fax machines were banned, although some restrictions reportedly were lifted in 1999. Regime-controlled areas had only two land-based television channels, the official Iraq Television, and Youth TV, owned by Uday Saddam Hussein. In 2001 Uday Hussein reportedly assumed control of the satellite television service. According to press reports, Internet service was available but highly restricted by the regime. Reportedly only 500 computers had links to the web within regime-controlled areas, and these access points were subject to close oversight from regime censors. Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sent textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely removed propaganda items from such textbooks.

The regime did not respect academic freedom and exercised strict control over academic publications and foreign travel by academics. University employees were hired and fired depending on their support for the regime.

In the north, many independent newspapers appeared over the past 8 years, as did opposition radio and television broadcasts. The absence of central authority permitted significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists were influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services were available. Although the rival Kurdish parties in the north, the PUK and KDP, stated that full press freedom was allowed in areas under their respective control, in practice neither effectively permitted distribution of the opposing group's newspapers and other literature.

The Internet was available widely through Internet cafes in major urban centers in Kurdish-controlled areas. In regime-operated Internet cafes, users only were permitted to view Web sites provided by the Ministry of Culture and Information. The regional authorities did not try to limit access to preapproved web sites; however, they often monitored web usage by individuals.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the regime restricted this right in practice. Citizens may not assemble legally other than to express support for the regime, which regularly orchestrated crowds to demonstrate support for it and its policies through financial incentives for those who participated and threats of violence against those who did not. According to press reports, several spontaneous demonstrations arising in the wake of the October prison amnesty were forcibly dispersed (*see* Sections 1.a. and 1.b.).

The Constitution provides for freedom of association; however, the regime restricted this right in practice. The regime controlled the establishment of political parties, regulated their internal affairs, and monitored their activities. New political parties must be based in Baghdad and were prohibited from having any ethnic or religious character. The political magazine *Alef-Be*, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which included the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'th Party to power. Several parties were outlawed specifically, and membership in them was a capital offense (*see* Section 3). The law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In the Kurdish-controlled north, numerous political parties and social and cultural organizations existed. The KDP- and PUK-controlled administrations imposed restrictions on some political parties and groups they considered security risks, or that refused to register as political parties or to participate in local elections. The PUK and KDP have forced political parties that violate these rules to shut down. Neither the KDP nor PUK allowed the other group to open party offices in territory under its control; however, they did allow other political parties to operate in those territories and included them in their administrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion provided that it does not violate "morality and public order"; however, the regime severely limited freedom of religion in practice. Islam is the official state religion. The Ministry of Endowments and Religious Affairs monitored places of worship, ap-

pointed the clergy, approved the building and repair of all places of worship, and approved the publication of all religious literature.

More than 95 percent of the population is Muslim. The (predominantly Arab) Shi'a constitute a 60 to 65 percent majority, while Sunni make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkmen). The remaining approximately 5 percent consist of Christians—Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), and Yazidis (Armenian Orthodox), and a small number of Jews and Sabeian Mandeans.

The regime does not recognize political organizations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God" (*see* Section 3).

Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the regime since independence in 1932. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980–88 Iran-Iraq War. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse.

The regime has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a population (*see* Sections 1.a., 1.d., and 1.g.). Despite nominal legal protection of religious equality, the regime severely repressed the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amin Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents reportedly were stationed at all major Shi'a mosques and shrines and searched, harassed, and arbitrarily arrested worshipers.

The following regime restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on regime-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the regime; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings.

In June 1999, several Shi'a opposition groups reported that the regime instituted a program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly were checked on entry to a mosque and were printed with a notice of severe penalties for those who attempt to pray at an unauthorized location.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. In 2000 AI reported that the regime deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970s and early 1980s, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the regime relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appeared to have exceeded greatly the regime's expectations and led to an intensified crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon regime-provided material that attacked fundamentalist trends.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslims who wished to make the Hajj to Mecca and Medina and of both Iraqi and non-Iraqi Muslim pilgrims who traveled to holy sites within the country (*see* Section 2.d.). For example, in 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the regime rejected this offer. In 1999 the Sanctions Committee offered to disburse

funds to cover Hajj-related expenses via a neutral third party; the regime again rejected the offer. Following the December 1999 passage of U.N. Security Council Resolution 1284, the Sanctions Committee again sought to devise a protocol to facilitate payment to individuals making the journey. The Sanctions Committee proposed to issue \$250 in cash and \$1,750 in traveler's checks to each individual pilgrim to be distributed at the U.N. office in Baghdad in the presence of both U.N. and Iraqi officials. The regime again declined and, consequently, no Iraqi pilgrims were able to take advantage of the available funds or, in 2000, of the permitted flights. The regime continued to insist that these funds would be accepted only if they were paid in cash to the regime-controlled central bank, not to the Hajj pilgrims.

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The regime for several decades interfered with these Ashura commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between pilgrims on one side and Ba'th Party members and security forces enforcing the ban on the other. In 2000 security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (*see* Section 1.g.). During the year, there were no reports of violence during the pilgrimage; however, the regime reportedly imposed travel restrictions.

The regime also sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the regime engaged in various abuses against the country's estimated 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (*see* Section 2.d.). Most Assyrians lived in the northern provinces, and the regime often accused them of collaborating with Iraqi Kurds. Military forces destroyed numerous Assyrian churches during the 1988 Anfal campaign and reportedly tortured and executed many Assyrians.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Kurdish groups often referred to Assyrians as Kurdish Christians. Christians reported several ritual killings of Christian clergy by unknown assailants, which they claimed were perpetrated by Muslim extremists. Press and Christian opposition groups reported that an Assyrian nun was killed in an apparent emulation of Muslim ritual slaughter in July (*see* Section 1.a.). These reports continued an alleged pattern of violence and persecution directed against Christian and other religious minorities throughout the country.

The regime imposed repressive measures on Yazidis (*see* Section 5).

Although few Jews remained in the country, regime officials frequently made anti-Semitic statements.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The regime restricted movement within the country of citizens and foreigners. Police checkpoints were common on major roads and highways. Persons who entered sensitive border areas and numerous designated security zones were subject to arrest.

The regime required citizens to obtain specific regime authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens were required to post collateral, which was refundable upon their return. There were restrictions on the amount of currency that may be taken out of the country. Women were not permitted to travel outside the country alone; male relatives must escort them (*see* Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), canceled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In an apparent effort to convince citizens living abroad to return to the country, the regime radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (*see* Section 1.d.). In October 1999, Justice Minister Shabib al-Maliki announced that authorities might seize assets belonging to citizens living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor citizens inside the country who received money from relatives living abroad.

A November 1999 law provides for additional penalties for citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and

“confiscation of movable and immovable property” is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In 2000 the director of the Real Estate Registration Department stated that pursuant to the decree, the regime confiscated the property of a number of persons.

The regime restricted foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogated all media employees, journalists, and writers upon their return from foreign travel.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslim citizens who wished to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in the country (*see* Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) were required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance included, but were not limited to, loss of the spouse’s job, a substantial financial penalty, and repayment of any governmental educational expenses. The regime prevented many citizens who also held citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimated that there were more than 500,000 IDPs remaining in the 3 northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled regime-controlled areas in early 1991 during the uprising that followed the Gulf War. Yazidi Kurds reported in November that they were subjected to forced concentration in the vicinity of Dohuk over the last few years. The regime continued its Arabization policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers viewed the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area.

Non-Arab citizens were forced either to change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern provinces. Persons may avoid expulsion if they relinquish their Kurdish, Turkmen, Chaldean, or Assyrian identity and register as Arabs. Persons who refused to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

The Revolutionary Command Council mandated that new housing and employment be created for Arab residents who had been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly was prohibited. Non-Arabs may not sell their homes, except to Arabs, nor register or inherit property. Authorities estimated that since 1991, more than 100,000 persons were displaced as part of the Arabization program.

According to numerous deportees in the north, the regime generally used a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demanded that a family change its ethnicity from Kurdish or Turkmen to Arab. Subsequently, security officials frequently arrested the head of household and informed the other family members that the person would be imprisoned until they agreed to settle elsewhere in the country. Such families frequently chose to move to the north; family members must sign a form that states that the departure was voluntary and they were not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The regime frequently transferred the families’ houses to Arab Ba’th Party members.

Those expelled were not permitted to return. The Special Rapporteur reported in 1999 that citizens who provided employment, food, or shelter to returning or newly arriving Kurds were subject to arrest. The regime denied that it expelled non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remained abroad. Apart from those suspected of sympathizing with Iran, most fled after the regime’s suppression of the civil uprising of 1991; others were Kurds who fled during the Anfal campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, repatriated themselves in northern areas outside regime control.

The regime did not cooperate with the UNHCR, did not provide first asylum, and did not respect the rights of refugees.

Approximately 12,000 Turkish Kurds who fled civil strife in southeastern Turkey remained in northern areas controlled by the regime in Baghdad. The UNHCR was

treating such displaced persons as refugees until it reached an official determination of their status.

During the year, the KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons each side had expelled as a result of intra-Kurdish fighting in the three northern provinces. In June the first 70 families were returned. In April 2000, the UNHCR noted that displaced persons still were living in tents or in open, unheated buildings (*see* Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. Some sources indicated that KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. The KDP denied that the blockade or village raids occurred.

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

Citizens did not have the right to change their government. The President wielded power over all instruments of control. Most important officials either were members of Saddam Hussein's family or were family allies from his hometown of Tikrit. Although the regime took steps to look more like a democracy, the political process still was controlled firmly by the regime. The October so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It did not include voter privacy, and many credible reports indicated that voters feared reprisal if they cast a dissenting vote. The regime claimed a 100 percent yes vote out of 16 million votes cast. In a similar "referendum" in 1995, a total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March 2000; 220 of the 250 parliamentary seats were contested and presidential appointees filled the 30 remaining seats. Out of the 250 seats, members of the Ba'th Party reportedly won 165 seats, independents won 55, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates. Saddam Hussein's son Uday was elected to the National Assembly with 99.9 percent of the vote.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who were estimated to constitute approximately 8 percent of the population. The political system is dominated by the Party, which governed through the Revolutionary Command Council. President Saddam Hussein heads the council. The RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations were illegal and severely suppressed. Membership in certain political parties was punishable by death. In October 2000, security forces reportedly executed eight persons on charges of forming an opposition organization (*see* Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law was used to prohibit parties that did not support the President and the regime. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new Constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The regime did not recognize the various political groupings and parties that have been formed by Shi'a, Kurds, Assyrians, Turkmen, or other communities. These political groups continued to attract support despite their illegal status.

The law provides for the election of women and minorities to the National Assembly; however, they had only token representation.

In the north, all central regime functions have been performed by local administrators, mainly Kurds, since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local regime administrators were elected in 1992. The parliament last met in May 1995. The two major Kurdish parties in de facto control of the north, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have been greatly

delayed. The PUK and KDP convened the united Assembly in October for the first time. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP reportedly required membership lists from ethnic minority political parties. The regime also imposed additional restrictions on some political parties (see Section 2.b.).

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

The regime did not permit the establishment of independent human rights organizations. Citizens established several human rights groups abroad and in northern areas not under regime control. Monitors from most foreign and international human rights groups were not allowed in the country. However, the regime allowed several international humanitarian and aid organizations to operate in the country.

During the year for the first time since 1992, the regime allowed the U.N. Special Rapporteur to pay a 4-day, strictly controlled visit to the country, but the regime responded only partially or not at all to his requests for information.

In November the U.N. Commission on Human Rights and the U.N. General Assembly issued a report that noted "with dismay" the lack of improvement in the situation of human rights in the country. The report strongly condemned the "systematic, widespread, and extremely grave violations of human rights" and of international humanitarian law by the regime, which it stated resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The report called on the Government to fulfill its obligations under international human rights treaties.

The regime operated an official human rights group that routinely denied allegations of abuses.

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

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the regime systematically violated these rights.

Women.—Domestic violence against women occurred but little was known about its extent. Such abuse customarily was addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges reportedly were rare. Under a 1990 law, men who committed honor crimes may receive immunity from prosecution (see Section 1.e.).

The law prohibits rape; however, security forces raped family members of persons in the opposition as a punishment (see Section 1.c.). No information was available regarding the frequency or severity of rape in society.

Prostitution is illegal. The regime denied claims that it has beheaded women accused of prostitution (see Section 1.a.).

The regime stated that it was committed to equality for women, who make up approximately 20 percent of the work force. It enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It was difficult to determine the extent to which these protections were afforded in practice. Women were not allowed to travel outside the country alone (see Section 2.d.).

In April 2000, the PUK declared that immunity would not be given for honor crimes in the area under its control. Several active women's organizations operated in the Kurd-controlled regions in the north. In September 2001, the KDP began admitting women into the police academy in preparation for their integration into the police force.

Children.—No information was available regarding whether the regime has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups collected a substantial body of evidence indicating the regime's continued disregard for the rights and welfare of children. Education for boys is compulsory through the sixth grade. Children may continue in public schools through grade 12, but children often left after grade 6 to help in family enterprises. The regime claimed that it also has enacted laws to make education for girls compulsory.

The regime's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food

and medicine that could have been made available to the general public, including children, were stockpiled in warehouses or diverted for the personal use of some regime officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January 2000 letter to the regime, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and petroleum sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in the country through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The regime's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the regime modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in the country that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the regime in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and central parts of the country, home to 85 percent of the population, children under 5 years old were dying at more than twice the rate that they were a decade before. In contrast mortality rates for children less than 5 years old in the Kurdish-controlled north dropped in the period between 1994 and 1999. The Special Rapporteur criticized the regime for "letting innocent people suffer while it maneuvered to get sanctions lifted." Had the regime not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

During the year, the regime held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the opposition reported that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization (see Section 1.f.).

Regime officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

Persons with Disabilities.—No information was available regarding the regime's policy towards persons with disabilities.

National/Racial/Ethnic Minorities.—The country's cultural and linguistic diversity was not reflected in its political and economic structure. Non-Arabs were denied equal access to employment, education, and physical security. Non-Arabs were not permitted to sell their homes except to Arabs, nor to register or inherit property. As part of its Arabization policy, the regime continued to relocate forcibly the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.). Similarly, the regime forced many Arabs to relocate to regions forcibly vacated by other groups. Both major Kurdish political parties indicated that the regime occasionally targeted Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk in order to attempt to "Arabize" the city (see Section 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The regime did not permit education in languages other than Arabic and Kurdish. Thus, in areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both

religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There is evidence that the regime compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report described special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to “pursue and attack” Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups (*see* Section 2.c.).

Citizens considered by the regime to be of Iranian origin must carry special identification and often were precluded from desirable employment. Over the years, the regime deported hundreds of thousands of citizens of Iranian origin.

Ethnic minorities faced some discrimination and harassment by Kurds in the north. In areas of the north under Kurdish control, classes in Syriac and Turkish were permitted in primary schools run by Assyrian or Turkmen parties, since the 1991 uprising against the regime. However, teaching of Syriac reportedly remained restricted. The Kurdish administrations also required that all school children begin learning Arabic in primary school.

Assyrians continued to fear attacks by the PKK, a Turkish-based terrorist organization that operated against indigenous Kurds in northern areas. In 2000 Assyrians reported being caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies. There were no reports during the year of the Kurdistan Regional government’s investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north.

Ethnic Turkmen also claimed discrimination by Kurdish groups, including the required use of the Kurdistan flag in Turkmen schools and the assignment of Kurdish teachers to Turkmen schools.

Section 6. Worker Rights

a. The Right of Association.—There were no trade unions independent of regime control, and workers rights were highly restricted. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a regime-controlled trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba’th Party, which used it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, had the right to join local union committees. The committees were affiliated with individual trade unions, which in turn belonged to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (*see* Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country. No significant developments have occurred in these cases.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively is not recognized. The regime sets salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector were set by employers or negotiated individually with workers. Public sector workers frequently were shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, an omission that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

The Labor Law restricts the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions, such as imprisonment or detention in labor camps. No strike has been reported during the past 2 decades.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced labor is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises for breaches of labor “discipline,” including resigning from a job. According to the ILO, foreign workers in the country

have been prevented from terminating their employment and returning to their native countries because of regime-imposed penal sanctions on persons who do so. There was no information available regarding forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The employment of children under the age of 14 is prohibited, except in small-scale family enterprises. However, children reportedly were encouraged increasingly to work in order to help support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the regime enrolls children as young as 10 years of age in a paramilitary training program (see Section 5).

e. Acceptable Conditions of Work.—There was no information available regarding minimum wages.

Most workers in urban areas worked a 6-day, 48-hour workweek. The head of each ministry sets hours for regime employees. Working hours for agricultural workers varied according to individual employer-employee agreements.

Occupational safety programs were in effect in state-run enterprises. Inspectors ostensibly inspected private establishments, but enforcement varied widely. There was no information regarding workers' ability to remove themselves from work situations that endanger their health or safety.

f. Trafficking in Persons.—There was no information available regarding whether the law prohibits trafficking in persons. There were reports of persons trafficked within the country.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a parliamentary democracy with a multiparty system and free elections. There is no constitution; a series of "basic laws" provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the authority of the executive branch. In February 2001, Likud Party leader Ariel Sharon was elected Prime Minister and in March 2001 took office as the head of a broad "unity" government that included the Labor Party, the largest bloc in the Knesset. On November 5, after Labor withdrew from the Government, Prime Minister Sharon announced he was unable to form a coalition and asked the President to dissolve the Knesset and call for new elections. New elections for the Knesset are scheduled for January 28, 2003. The judiciary is independent.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. Throughout its existence, Israel also has experienced numerous terrorist attacks by a number of terrorist organizations that had as their stated objective the elimination of the Israeli State. With the onset of the "Al-Aqsa Intifada" in September 2000, there was a dramatic escalation in the level of violence directed against Israelis. Since 2000 the number of terrorist incidents, and Israeli casualties due to such attacks, rose sharply.

Israel concluded peace treaties with Egypt in 1979 and with Jordan in 1994, and a series of agreements with the Palestinians beginning in 1993. As a result of the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights (the human rights situation in the occupied territories is discussed in the annex appended to this report). The international community does not recognize Israel's sovereignty over any part of the occupied territories.

Since 1991, the Israelis and the Palestinians made repeated attempts at negotiating peace. The most recent Tenet Agreement and the Mitchell Plan established a working framework for both parties to reduce the violence and negotiate peace. During 2000 and early 2001, the parties held intensive talks concerning final status issues, including water rights, refugees, settlers, the status of Jerusalem, and border and security issues. They did not reach an agreement. Despite meetings between high-level Israel and Palestinian officials, and repeated declarations of cease-fires on both sides, efforts to end the violence yielded few results. However, during the year the United States, the Russian Federation, the European Union, and the United Nations, (or the Quartet), conducted a series of ministerial-level meetings to develop a roadmap to reach their vision of two democratic states—Israel and Palestine—living side by side in peace and security.

Internal security was the responsibility of the Israel Security Agency (the ISA—formerly the General Security Service (GSS) and also known as Shin Bet, or Shabak), which was under the authority of the Prime Minister's office. The police were under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) were under the authority of a civilian Minister of Defense. The IDF included a significant portion of the adult population on active duty or reserve sta-

tus and played a role in maintaining security. The Foreign Affairs and Defense Committee in the Knesset reviewed the activities of the IDF and the ISA. Members of the security forces committed serious human rights abuses in the occupied territories and regarding Palestinian detainees.

The country's population was approximately 6.4 million (including Israeli settlers who lived in the occupied territories). The country had an advanced industrial economy with a relatively high standard of living. During the year, unemployment was approximately 10 percent, but was substantially higher in the country's peripheral regions and among lower-skilled workers. These facts disproportionately affected the country's non-Jewish citizens. The country's economic growth was accompanied by an increase in income inequality. The longstanding gap in levels of income within the Jewish population and between Jewish and Arab citizens increased. Arab citizens populated most of the 17 towns in Israel with the highest unemployment rates. During the year, the country relied heavily on foreign workers, principally from Asia and Eastern Europe, who were employed in agriculture and construction and constituted approximately 10 percent of the labor force.

The Government generally respected the human rights of its citizens; however, there continued to be problems with respect to its treatment of Arab citizens. During the year, terrorist organizations such as the Islamic Resistance Movement (Hamas), Hizballah, Islamic Jihad in Palestine, and the Popular Front for the Liberation of Palestine (PLFP), among others, committed acts of terrorism in Israel. Nearly 226 terror attacks, including suicide bombings, drive-by shootings, mortar and grenade attacks, and stabbings occurred in the West Bank, Gaza, and Israel proper. Also during the year, more than 469 Israelis were killed and over 2,498 injured, a sharp increase from the previous year. In November 2000, a Legal Commission of Inquiry was established to investigate the demonstrations and riots of October 2000, during which police used excessive force and killed 13 Arab citizens. The Commission completed its investigation but had not released a report of its findings at year's end.

Israeli and international human rights organizations continued to report an increase in the number of allegations that security forces tortured detainees, including using abusive methods prohibited in a September 1999 High Court decision. There also were numerous allegations that police officers beat detainees. Detention and prison conditions for Palestinian security detainees held in Israel were poor and did not meet international standards regarding the provision of sufficient living space, food, and access to medical care. During the year, the Government detained without charge thousands of persons in Israel, the West Bank, and Gaza. Some security prisoners were sentenced on the basis of coerced confessions by both themselves and others. According to human rights organizations, the legal system often imposed more severe punishments on Arab citizens than on Jewish citizens, although such discrepancies were not provided by law.

The Government interfered with individual privacy in some instances. The Government imposed severe restrictions on the movement of persons and some restrictions on the movement of goods between Israel and the West Bank and Gaza as well as between cities in the West Bank and Gaza. Also known as "closure," this practice has been in effect to varying extents since 1993 (see Section 2.d. of the annex). The Government claimed that the closures were necessary to prevent terrorism. Discrimination and societal violence against women persisted, although the Government continued to take steps to address these problems. Discrimination against persons with disabilities persisted. The Government did little to reduce institutional, legal, and societal discrimination against the country's Arab citizens, who constituted approximately 20 percent of the population but did not share fully the rights and benefits provided to, and obligations imposed on, the country's Jewish citizens. Trafficking in women for the purpose of forced prostitution was a continuing problem. Israel was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year.

In October 2000, police used excessive force to disperse demonstrations in the north of the country, killing 13 Arab citizens and injuring 300. In response the Government of Ehud Barak established a Legal Commission of Inquiry, chaired by Justice Theodore Or, to investigate the cause of the riots and the police response. In 2001 numerous police officers testified that the police, including snipers, fired live

ammunition into crowds of demonstrators. Doctors testified that rubber-coated steel bullets being fired from close range apparently caused several of the 13 deaths. Some police described a few of their colleagues as having engaged in overly aggressive actions. Testimony during the year corroborated previous testimony and also explored alleged inflammatory rhetoric by Israeli Arab politicians during the demonstrations.

In February the Commission warned 14 individuals that it planned to investigate responsibility for the violence and deaths. Among the 14 warned individuals were former Prime Minister Ehud Barak, former Minister of Internal Security Shlomo Ben Ami, former Northern Police Commander Alik Ron, several other police officials, Knesset members Abdulmalik Dehamshe and Azmi Bisharah, and former Mayor of Um al-Fahm Sheikh Ra'ed Salah. All 14 individuals had a right to legal counsel and to call and cross-examine witnesses. In his testimony to the Commission, Ben Ami denied ever having seen a document prepared by his ministry's legal department in 2000 outlining ways he should cover himself if he were investigated over the actions of that month. Ben Ami did not deny that Arab leaders, including members of the Knesset, had warned him prior to the 2000 event of increasing violence and racism in the police force and of incidents of brutality against Arab citizens. In September Barak testified that he had never ordered the police "to use every means necessary to keep roads open" during demonstrations. He said that statements he had made during a radio interview on October 2, 2000, that seemed to support claims that he had ordered the police to take "any action necessary to bring about the rule of law and freedom of movement within the State" were "not relevant," since he had made those statements to calm public concerns. The Commission had not issued its findings by year's end.

During the year, there were no violent demonstrations on the scale of those that occurred in 2000.

There was a sharp increase in the number of suicide bombings, shootings, and other acts of terrorism by Palestinian groups or individuals in the country and the occupied territories, which resulted in the deaths of at least 469 Israelis (also see Sections 1.a. and 1.c. of the annex).

On January 17, a terrorist with an assault rifle opened fire on a Bat Mitzvah celebration in Hadera killing 6 persons and injuring 35. On March 27, a suicide bombing killed 29 persons and injured 140 during a Passover Seder at the Park Hotel in Netanya. On April 12, a suicide bombing killed 6 persons, including 2 foreign workers from China, and injured 104 near Jerusalem's Mehane Yehuda Market.

On May 15 and 31, suicide bombings killed 30 persons and injured 95 in attacks in Rishon Lezion and Haifa. On June 5, a car packed with explosives struck a bus traveling from Tel Aviv to Tiberias, killing 17 persons and injuring 38. On July 31, a bomb exploded at Hebrew University in Jerusalem and killed 9 persons, 4 citizens and 5 Americans. On August 4, a suicide bombing of a bus traveling from Haifa to Safed killed 9 persons and injured 50.

On September 19, a bomb on a bus in Tel Aviv killed 6 persons and injured 70. On October 21, a car packed with explosives crashed into a bus traveling from Kiryat Shmonah to Tel Aviv and killed 14 persons and injured 50.

Attacks by Hizballah in the Sheba Farms/Har Dov area in the northern part of the country resulted in the death of one soldier. On March 12, infiltrators from Lebanon killed five civilians, one soldier, and wounded seven others. It was believed that the attackers acted with the assistance of Hizballah.

b. Disappearance.—At year's end, Elhannan Tannenbaum, who was kidnaped in either Europe or Lebanon in 2000, was believed to still be in Hizballah custody. The International Committee of the Red Cross (ICRC) attempted to pass medication and messages to Tannenbaum but was unable to ascertain whether he received the packages. Tannenbaum's family believed he may be seriously ill.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Laws and administrative regulations prohibit the physical abuse of detainees. During the year there were credible reports that there was an increase in the number of allegations that security forces tortured detainees, including using methods prohibited by a 1999 High Court decision. The Attorney General has the authority to accept a "necessity defense" in deciding whether or not to prosecute. There also were numerous allegations that police officers beat detainees. Although it was not clear if any formal complaints of torture were filed, human rights groups maintained that no GSS agent has been criminally charged with torture or other ill treatment for the past several years. Human rights groups further complained that the investigators who did field work for the Attorney General's office on such claims were GSS agents.

The 1997 Arrest and Detention Law provides for the right to live in conditions that would not harm the health or dignity of the detainee, access to adequate health care, the right to a bed for each detainee, and access to exercise and fresh air daily. Conditions varied in incarceration facilities in the country and the occupied territories, which were administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally housed citizens convicted of common crimes, generally met international standards.

Since the 1995 closure of the main IDF detention camps in the occupied territories, all security detainees from the occupied territories who were held for more than a few days were transferred to facilities within Israel. During the year, security detainees usually were held in the IDF's Megiddo prison, in IPS facilities, and in special sections of police detention facilities. Prisoners incarcerated for security reasons were subject to a different regimen, even in IPS facilities, and conditions for them were poor. According to the Government, security detainees may receive financial assistance from the Palestinian Authority (PA); food, including food required for observing religious holidays from their families and other persons or organizations; and medical supplies from the ICRC and other aid organizations. Security detainees include some minors. Detention facilities administered by the IDF were limited to male Palestinian detainees. The total number of Palestinian prisoners held by Israel, which was 1,854 at the beginning of the year, reached 4,672 by year's end. The Government stated that it held 1,007 persons from Gaza and the West Bank, and no Israeli Arabs in administrative detention (without charge or trial) at year's end. The Government detained approximately 10,000 prisoners at some point during the year (*see* Section 1.d.).

Conditions at the Russian Compound remained extremely poor; however, conditions in other IDF facilities improved in some respects. For example, inmates were provided more time to exercise outside their cells. Nevertheless, recreational facilities remained minimal, and there were strict limitations on family visits to detainees.

Male family members of Palestinian prisoners who were between 16 and 40 years of age and any family members with security records generally were barred from visiting relatives in facilities in Israel. Following the outbreak of violence in 2000, the Government banned all family visits for Palestinian prisoners in jails. However, during the year, the Government intermittently allowed the ICRC to arrange for family members to visit Palestinian prisoners in government facilities (*see* Section 1.c. of the annex).

Since the Intifada began, only Israeli lawyers or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in jails as advocates or monitors, which reduced significantly the availability and timeliness of legal aid for such prisoners.

Conditions at some national police detention facilities remained poor. Such facilities were intended to hold criminal detainees prior to trial but often became *de facto* prisons. Those held included some security detainees and some persons who were convicted and sentenced. Inmates in the national police detention facilities often were not accorded the same rights as prisoners in the IPS system. Moreover, conditions were worse in the separate facilities for security detainees maintained both in police facilities and in IPS prisons. There were no programs to improve prison conditions by year's end.

Children's rights groups expressed particular concern over the separate sections of holding facilities for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents remained problems. In addition to some Israeli minors held in criminal cases, there were Palestinian juveniles among the detainees. There were separate prison facilities for Arab and Jewish children separate from the adult prison population. Men, women, and children were held in separate facilities.

All incarceration facilities were monitored regularly by various institutions including branches of the Government, members of the Knesset, the ICRC, and human rights groups (*see* Section 1.d. of the annex).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest; however, the Government did not always observe this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. However, a 1979 law permits, subject to judicial review, administrative, or preventive detention (i.e., without charge or trial), which was used in a small percentage of security cases. In such cases, the Minister of Defense may issue a detention order for a maximum of 1 year, which could be extended every 3 months. Within 24 hours of issuance, detainees must appear before a district judge who could confirm, shorten, or overturn the order. If the order was confirmed, an automatic review took place after 3 months. Detainees had the right to

be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces could delay notification of counsel with the consent of a judge, which was usually granted. According to human rights groups and legal experts, there were some cases in which a judge denied the Government's request to delay notification of counsel. At detention hearings, the security forces may withhold evidence from defense lawyers on security grounds. The Government also may seek to renew administrative detention orders. However, the security services must "show cause" for continued detention, and, in some instances, individuals were released because the standard could not be met. No information was available concerning an approximate percentage of those released because the standard for continued detention could not be met.

On March 4, the Knesset passed the Imprisonment of Illegal Combatants Law, which allows the IDF to detain anyone if there is a basis to assume that he or she "takes part in hostile activity against Israel, directly or indirectly" or "belongs to a force engaged in hostile activity against the State of Israel."

In felony cases and in ordinary security arrests, a district court judge could postpone notifying the detainee's attorney for 48 hours. The Minister of Defense could extend the postponement to 7 days on national security grounds. Moreover, a judge could postpone notification for up to 15 days in national security cases.

The 1997 Arrest and Detention Law more narrowly defined the grounds for pre-trial detention in criminal and security cases and reduced to 24 hours the length of time a person may be held without charge; however, this law does not extend to administrative detention cases. Human rights groups alleged abuse of detention orders in cases in which the accused did not pose a clear danger to society.

Since the beginning of the Intifada, children's rights activists have recommended separate legislation to define when and how a child may be arrested and how long children may be detained. However, no action had been taken by year's end.

Some protections afforded to citizens were not extended to Palestinian detainees, who fell under the jurisdiction of military law even if they were detained in Israel. Following IDF redeployment in the West Bank, detention centers there were closed in 1995. As a result, all Palestinian detainees held for longer than 1 or 2 days were incarcerated in Israel (*see* Section 1.d. of the annex).

At year's end, the Government held approximately 6,700 Palestinians in custody, 3 times as many during the previous year. Those held were a combination of common criminal prisoners (approximately 1,500), administrative detainees (approximately 850), and ordinary security detainees (approximately 4,200, nearly 5 times more than the previous year). In April 2000, a High Court ruling declared illegal the holding of Lebanese detainees in Israeli prisons as "bargaining chips" to extract concessions or the release of Israeli prisoners held in Lebanon. The Government has held, without explicit charges, both Sheikh Obeid, a Lebanese Hizballah leader, since 1989 and Mustafa Dirani, a head of security for the Amal militia, since 1994. The Government claimed both were security threats. In 2001 the Government did not comply with a High Court decision mandating that the ICRC have access to Obeid. However, in June ICRC was able to make its first visit to both Obeid and Durani. There was another visit in October. At year's end, Obeid, Durani, and 27 other Lebanese prisoners (20 on security grounds, 7 on criminal grounds) remained in custody.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision. The judiciary generally provided citizens with a fair and efficient judicial process. However, in practice, according to some human rights organizations, Arab citizens often received stiffer punishments than Jewish citizens. The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). All courts in the judicial system, including the High Court of Justice, have appellate courts or jurisdictions.

The law provides for the right to a hearing with representation by counsel, and authorities generally observed this right in practice. A regional and national system of public defenders operated by the Ministry of Justice employed approximately 700 attorneys through 5 regional offices. Under the system, economically disadvantaged persons who faced sentences of 5 years or longer, and all persons who were accused of crimes with sentences of 10 years or longer, received mandatory legal representation. Judges also had discretionary power to appoint an attorney in all cases. Approximately 70 percent of defendants were represented by counsel. All nonsecurity

trials were public except those in which the interests of the parties were deemed best served by privacy.

Cases involving national security may be tried in either military or civil courts and may be partly or wholly closed to the public. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Adult defendants had the right to be represented by counsel even in closed proceedings but may be denied access to some evidence on security grounds. Under the law, convictions may not be based on any evidence denied to the defense, although it may influence a judge's decision.

The 1970 regulations governing military trials were the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners have been sentenced on the basis of the coerced confessions by both themselves and others. Counsel may assist the accused, and a judge may assign counsel to those defendants when the judge deems it necessary. Charges were made available to the defendant and the public in Hebrew, and the court could order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also could petition the civilian High Court of Justice (sitting as a court of first instance) in cases in which they believed there were procedural or evidentiary irregularities.

According to human rights organizations, the legal system in practice often imposed stiffer punishments on Israeli Arab citizens than on Israeli Jewish citizens. For example, human rights advocates claimed that Arab citizens were more likely to be convicted of murder (which carries a mandatory life sentence) than Jewish citizens. The courts reportedly also were more likely to detain Arab citizens until the conclusion of proceedings. For example, in the first month after the October 2000 riots in Arab and Jewish locales, police arrested approximately 1,000 persons, including 660 Arabs and 340 Jews. Of the Arabs arrested, 79 percent reportedly were indicted, compared to 21 percent of the Jews; 72 percent of the Arabs were detained without bond, compared to 11 percent of the Jews. A number of Arabs accused of crimes such as stone-throwing during the year received sentences of more than 3 years. In contrast in October 2001, a Jewish man who was convicted of being part of a mob that severely beat a Palestinian man in Netanya in March was sentenced to 18 months in prison (*see* Section 1.c.). The Government has stated that allegations of systematic discrimination of non-Jews in the courts were unfounded.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law generally protected privacy of the individual and the home; however, there also were laws that provide that authorities may interfere with mail and monitor telephone conversations in certain circumstances. In criminal cases, the law permits wiretapping under court order; in security cases, the order must be issued by the Ministry of Defense. Under emergency regulations, authorities may open and destroy mail based on security considerations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of the press, and the Government generally respected this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories that it regarded as sensitive on national security grounds; however, authorities rarely applied the law in practice. However, during the year, the Ministry of Interior closed an Arab newspaper, *Sawt al-Haqq Wal-Hurriya*. The newspaper was affiliated with the northern branch of the Islamic movement in the country, and had previously published articles the Government believed supported terrorism in the country. A censorship agreement between the Government and media representatives applied to all media organizations in the country and provided that military censorship was to be applied only in cases involving national security issues that had a near certainty of harming the country's defense interests. All media organizations may appeal the censor's decision to the High Court of Justice. Moreover, a clause prohibits the military censor from closing a newspaper for censorship violations and from appealing a court judgement against it. News printed or broadcast abroad may be reported without the censor's review, which permits the media to run previously censored stories that have appeared in foreign sources. Emergency regulations made it illegal for persons to express support for illegal organizations. On occasion the Government prosecuted persons for speaking or writing on behalf of terrorist groups. In August 2001, the Attorney General announced that he would file an indictment against Knesset Member Azmi Bisharah for making statements perceived by some as supportive of Hizballah during Bisharah's June visit to Syria (a country

still in a state of war with Israel). In November 2001, the Knesset voted to lift Bisharah's immunity so that he could face prosecution. At year's end, the case was still in discovery.

One Palestinian-owned newspaper, Al-Quds, was required to submit its entire contents, including advertising, to the military censor by 4 p.m. each day. The editor claimed that this process caused his journalists to practice self-censorship. During the year, journalists and professional journalist groups claimed that the Government placed limitations on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between the occupied territories and Israel during violent unrest. The Government and security forces have stated that they did not target journalists due to their profession; however, three journalists were killed and at least five were injured while covering events in the occupied territories during the year (*see* Section 2.a. of the annex).

The Government Press Office, due to security concerns, required foreign journalists to sign an agreement stating that they will submit certain news stories and photographs for censorship; however, they rarely were challenged for not doing so.

Individuals, groups, and the press freely addressed within the limits of the law public issues and criticized government policies and officials without reprisal. Laws prohibit hate speech and incitement to violence. The Government investigated a significantly higher number of Arab Members of the Knesset (MKs) than Jewish MKs for the use of hate speech and incitement to violence.

All newspapers were privately owned and managed. Newspaper licenses were valid only for Israel; separate licenses were required to distribute publications in areas in the occupied territories still under the Government's authority. There were 16 daily newspapers, 90 weekly local newspapers, and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority controlled television Channel 1 and Kol Israel (Voice of Israel) radio, both major sources of news and information. The privately operated Channel 2, the country's first commercial television station, was operated by 3 franchise companies and supervised by the Second Television and Radio Authority, a public body that also supervised 14 private radio stations. There were five cable television companies that carried both domestic and international networks and produced shows specifically for the Israeli audience.

The Government generally respected academic freedom; however, in December 2001 the human rights organization Adalah claimed that the Government interfered with the education of Israeli Arab students because a member of the GSS monitored and approved the appointment of teachers and administrators in Arab schools. Adalah claimed that the GSS discriminates against candidates for education positions based on political affiliations, although there have been no credible reports since the mid-1980s of the Government denying a teachers certificate on security grounds (*see* Section 5). However, a teaching certificate does not ensure job placement. For example, during the year, Minister of Education Limor Livnat supported an unsuccessful attempt to prosecute university professors who supported conscientious objectors to Israeli practices. In addition, there was an abortive attempt to dismiss a historian, Ilan Pappé, at Haifa University who criticized the prevailing interpretation of the 1948 conflict between Israelis and Palestinians. However, at year's end, he continued to teach there.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of assembly, and the Government generally respected this provision in practice.

During the year, there were a number of peaceful demonstrations for and against peace negotiations with the Palestinians.

The law provides for the right of association, and the Government generally respected this provision in practice. However, during the year, the Government continued to deny registration of a new Palestinian NGO in Israel, Tawasul. The organization works to establish connections between Arab citizens and other cultures around the world (*see* Section 4). The Government stated that it merely wanted the organization to change its name, due to its similarity to those of other registered NGOs.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right; however, it imposed some restrictions. Approximately 80 percent of citizens are Jewish, although some persons in that group are not considered Jewish under Orthodox Jewish law or are related by marriage to a Jewish citizen. Muslims, Christians, and Druze make up the remaining 20 percent of the population. The Government recognized 5 religions: Judaism, Islam, Christianity, Druzism, and Samaritanism. The status of some Christian organizations with representation in the country heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations

sought to negotiate with the Government in an attempt to formalize their status. Each recognized religious community has legal authority over its members in matters of marriage and divorce. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians only may ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Muslims have no recourse to civil courts in family-status matters.

Under the Law of Return, the Government grants automatic citizenship and residence rights to Jewish immigrants and their families; the Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith (*see* Section 2.d.). Members of unrecognized religious groups (particularly evangelical Christians, but also Russian immigrants and others who considered themselves Jewish but were not recognized as such), at times faced problems obtaining marriage certificates or burial services. However, informal arrangements provided relief in some cases.

Many Israeli Jews who wish to marry in secular or non-Orthodox religious ceremonies do so abroad, and the Ministry of Interior recognizes such marriages. However, many Jewish citizens object to such exclusive control, and it has been at times a source of serious controversy in society, particularly in recent years, as thousands of immigrants from the former Soviet Union have not been recognized as Jewish by Orthodox authorities. For example, questions have been raised about according Russian immigrants full Jewish burial rights if their Jewish heritage was not certified by the Orthodox Rabbinate.

Under the Jewish religious courts' interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, there were thousands of so-called "agunot" in the country who were unable to remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

Some Islamic law courts have held that Muslim women may not request a divorce but that women may be forced to consent if a divorce is granted to a man.

The Government provided proportionally greater financial support to institutions in the Orthodox Jewish sector compared with those in the non-Orthodox or non-Jewish sector, i.e., Muslim, Christian, and Druze. For example, the budget for the Ministry of Religious Affairs for 2000 only allocated 2.9 percent of its resources to the non-Jewish sector, although Muslims, Christians, and Druze constituted approximately 20 percent of the population. In 1998 the High Court of Justice ruled that the Ministry of Religion budget allocation constituted "prima facie discrimination" but that the plaintiff's petition did not provide adequate information about the religious needs of the various communities. The Court refused to intervene in the budgetary process on the grounds that such action would invade the proper sphere of the legislature. However, in 2000 the Court ordered the Government to allocate resources equitably to cemeteries of the Jewish and Arab communities. The Government began implementing to some degree the decision during the year. For example, some non-Jewish cemeteries reported enhanced financing and some money to complete long-standing infrastructure and improvement projects.

For security reasons, the Government imposed restrictions on citizens who perform the Hajj, including requiring that they be over the age of 30 (*see* Section 2.d.). The Government justified these restrictions on the grounds that Saudi Arabia remained officially at war with Israel and that travel to Saudi Arabia therefore was considered subject to security considerations.

Missionaries were allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints voluntarily refrained from doing so under an agreement with the Government. The law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of the enforcement of this law.

The Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law. However, the Government stated that it also protects the holy sites of other faiths. It also stated that it has provided funds for some holy sites of other faiths. Muslim groups claimed that the Government has been reluctant to renovate mosques in areas where there no longer was a Muslim population. In May the High Court sustained a demolition order for a mosque in the unrecognized village of Husseinya, which was built without a permit in 1996.

During the year, the Government continued to refuse recognition to the duly-elected Greek Orthodox Patriarch, Eirinaios I. Many local Greek Orthodox Christians perceived the Government's actions as interference with the internal workings of their church.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice for citizens, except with regard to military or security zones or in instances in which citizens may be confined by administrative order to their neighborhoods or villages. Since the outbreak of violence in 2000, the Government has imposed some restrictions on the movement of persons between Israel and the West Bank and Gaza, and between cities inside the West Bank and Gaza (see Section 2.d. of the annex).

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and were not restricted by administrative order. During the year, the Government issued an order restricting the right of Sheik Raed Salah, leader of the oppositionist Northern Branch of Israel's Islamic Movement, to travel abroad. The Government claimed to have confidential security reasons for banning the foreign travel of Sheik Salah. For security reasons, the Government imposed some restrictions on its Muslim citizens who performed the Hajj (see Section 2.c.). The Government did not allow persons to return from the Hajj if they left the country without formal permission. The Government justified these restrictions on the grounds that Saudi Arabia remained officially at war with Israel and that travel to Saudi Arabia therefore was considered subject to security considerations.

The Government stated that non-Jewish female citizens who marry noncitizen men, including men from the occupied territories, could retain their citizenship. The law includes provisions that allow a male spouse of a non-Jewish citizen to acquire citizenship and enter the country after the spouse passes a 4½ year, multistage period of adaptation, except in cases in which the man has a criminal record or is suspected of posing a threat to security. A small number of Christian, Muslim, and Druze women who have married men from Arab states or the West Bank and Gaza have made unsubstantiated claims that the Government revoked their citizenship and their right to reenter Israel; particularly after marrying men who are citizens of countries officially at war with Israel. A much larger number of Israeli Arabs, both men and women, were waiting for the Ministry of Interior to admit their spouses into Israel as residents. One NGO, Adalah, claimed to have a list of dozens of couples who were denied the right to unite in Israel, despite laws guaranteeing this right.

During the year, journalists claimed that the Government placed limits on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between Israel and the occupied territories, during violent unrest (see Section 2.a.).

Citizens are required to enter and leave the country on their Israeli passports only. In addition, no citizen or passport-holder was permitted to travel to countries officially at war with Israel without special permission from the Government. During the year, there were credible reports that the Government confiscated both the Israeli and Vatican passports of Archimandrite Theodosios Hanna, an Israeli citizen of the Greek Orthodox Church in Jerusalem. Hanna was held and interrogated by police at the Russian Compound. He was questioned regarding visits he made to Syria and Lebanon, relations with PA President Yasser Arafat, and his position on the Intifada. When summoned to collect his passports, Hanna was informed that he would have to sign a statement promising not to incite violence against the state, make statements in support of terrorist activity, and to visit states hostile to the country without Ministry of Interior permission. Hanna refused to sign and was denied his passports.

The Government welcomes Jewish immigrants and their Jewish or non-Jewish family members, refugees and immigrants, on whom it confers automatic citizenship and residence rights under the Law of Return. Children of female converts to Judaism are eligible to immigrate only if the children were born after the woman's conversion. The Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. During the year, several Israeli citizens from the former Soviet Union told diplomats that the Ministry of Interior was attempting to strip their citizenship and return them to their home countries because they had divorced their Jewish spouses. At least one of those potential deportees had served a full term in the IDF.

Other than the Law of Return and the family reunification statutes, there is no immigration law that provides for immigration to the country or for political asylum or refugee status. The law does allow individuals to live in the country as permanent residents. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting Jewish refugees. The Government did not provide asylum to refugees from states

with which the country remains in a state of war. Individuals present in the country on tourist or work visas, or those in the country illegally, sometimes filed petitions with the local UNHCR representative as the first step in seeking refugee status. During the year, the Government removed the right to adjudicate status from UNHCR headquarters in Geneva and granted it to an interministerial committee, which reviewed pending cases to determine if the facts merited designation of refugee status. The interministerial committee makes a recommendation to the Minister of the Interior, who has the final authority to determine status. If a person is granted such status, it is government policy to grant renewable temporary visas, provided that the person is not from a state with which the country is at war. In those cases, the Government attempts to find a third country in which the individuals can live. The Government provides refugees all the protections under refugee conventions, although in some instances individual ministries have not complied in an expeditious manner. Some NGOs alleged that the process has been politicized and that decisions of the committee have been disregarded.

The issue of first asylum did not arise during the year.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. National elections were held on February 6, 2001, when Ariel Sharon was elected Prime Minister and the governing coalition changed party affiliation. The country is a parliamentary democracy with an active multiparty system in which political views are wide-ranging. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

There were no legal impediments to the participation of women and minorities in government. Women held 17 of 120 Knesset seats. Of the Knesset's 20 committees, 6 (including the Committee on the Status of Women) were chaired by women. At year's end, there were 2 women in the Cabinet; 4 women served on the 14-member High Court of Justice. There were 11 Arabs and 2 Druze in the 120-member Knesset; most represented parties that derived their support largely or entirely from the Arab community. No Arab or Druze citizens served on the 14-member High Court of Justice.

In May the Knesset amended the Basic Law, which prohibits the candidacy of any party or individual who denies the Jewish and democratic existence of the State of Israel or incites racism, to also prohibit parties and individuals who "support (in action or speech) the armed struggle of enemy states or terror organizations." This amendment opened a door to challenges which were made by the Attorney General to one Israeli-Arab party and one Jewish candidate.

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

A wide variety of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with investigations. However, Human Rights Watch reported increased harassment by IDF soldiers and increased difficulty in gaining permission for expatriate staff to enter the country.

In March the Ministry of Interior issued an order to border officials to bar the entry to all foreign nationals who were affiliated with Palestinian NGOs and solidarity organizations. For example, in April the Ministry of Interior attempted to ban entry into the country of three representatives of international human rights organizations and threatened to deport them within hours. Sidiki Kaba and Driss El Yazami, President and Secretary General of the International Federation of Human Rights Leagues, and Henri LeClerck, former President of the Ligue des Droits de l'Homme, were told they would not be allowed to enter the country. The three had traveled to participate in a press conference regarding human rights violations resulting from Israeli incursions into Palestinian-controlled areas of the occupied territories. All three had proper travel documentation, including visas. The Government stated that it barred these individuals because they were interested in making political statements.

On August 11, Adalah claimed that the Government would investigate the group on the grounds of undertaking activities beyond the scope of its mandate, association with a political party, and financial mismanagement. The group raised concerns and stated that the investigation appeared to be government efforts to hinder or prevent its functioning.

During the year, the Government continued to deny registration to a new Palestinian NGO in Israel, Tawasul. The Government said that it merely wanted the organization to change its name, due to its similarity to those of other registered NGOs (*see* Section 2.b.).

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

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both government and nongovernmental entities on the basis of race, political beliefs, and age. Local human rights groups were concerned that these laws often were not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, were lacking. According to a report submitted to the U.N. by the Government in February, allocation of resources to different population groups was not consistent with the law's prohibition on discrimination.

The Government owns and manages 77 percent of the country's land area, and as a matter of policy it does not sell land. The Jewish National Fund (JNF), an organization established in 1897 for the purchase and management of land for the Jewish people, owned 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and managed another 8 percent on behalf of the Government. The JNF's statute prohibits the sale or lease of land to non-Jews. Foreigners and citizens of all religions were allowed freely to purchase or lease the 7 percent of land not controlled by the Government or the JNF. In March 2000, the High Court of Justice ruled that the Government's use of the JNF to develop public land was discriminatory. At year's end, there were no new developments in this case.

Women.—In March 2000, the Knesset passed the Equality of Women Law, which provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking. The law prohibits domestic violence; however, violence against women was a problem, despite the steps taken by the Government and other organizations to reduce such violence.

During the year, approximately 20 women were killed by their husbands or other male relatives. According to a prominent women's group, between 150,000 and 200,000 (4 and 6 percent) of women and girls were victims of domestic violence each year; an estimated 12,000 to 14,000 (7 percent) of them were abused on a regular basis. According to women's organizations, approximately 3,000 women and girls were assaulted sexually and approximately 1,000 were victims of incest during the year; an estimated 45 percent of them were girls under the age of 18. Only a small percentage of the victims complained to the police. According to the Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property.

Rape is illegal.

Arab human rights advocates formed a coalition to raise public awareness of so-called honor crimes. There were an unknown number of Arab women killed during the year by male relatives in family "honor" cases, a violent assault with intent to commit murder against a woman or girl by a relative for her perceived immodest behavior or alleged sexual misconduct. Families often attempted to cover up the cause of such deaths. NGOs and press accounts reported that the Government investigated and tried the perpetrators of so-called honor crimes.

Prostitution is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. Prostitution was a problem. NGOs reported that an unknown number, possibly between 100 and 200, of the nation's prostitutes were under the age of 18.

Trafficking in women became a significant problem in recent years. According to recent studies, every year hundreds of women from the former Soviet Union were trafficked to the country by well-organized criminal networks to work as prostitutes (*see* Section 6.f.).

In 1998 the country adopted a comprehensive sexual harassment prevention law; since that time, several prominent cases have increased public awareness of the issue.

In 1996 legislation was adopted that provides for class action suits and requires employers to provide equal pay for equal work, including important side benefits and allowances; however, women's rights advocates claimed that deep gaps remained. Women's advocacy groups reported that women routinely received lower wages for comparable work, were promoted less often, and had fewer career opportunities than their male counterparts. For example, the wage gap between men and women for year-round, full-time employment was approximately 30 percent, and

only 2 percent of women served in positions of senior management in large companies.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, in which Jewish and Muslim women are subject to restrictive interpretations of their rights. Under personal status law, Jewish women are not allowed to initiate divorce proceedings without their husbands' consent; consequently there were estimated to be thousands of "agunot" who may not remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

In accordance with Orthodox Jewish law, the 1995 Rabbinical Courts Law allows rabbinical tribunals to impose sanctions on husbands who refuse to divorce wives who have ample grounds for divorce, such as abuse. Since 1999 a foreign citizen has been in prison for refusing to grant his wife a divorce. However, in some cases, rabbinical courts failed to invoke these sanctions. In addition, there were cases in which a wife failed to agree to a divorce, but rabbinical authorities allowed the man to "take a second wife"; this remedy was not available to wives. Such restrictive practices have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over and issue sanctions against non-citizen Jews present in the country.

Some Islamic law courts in the country have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Children.—The Government has stated its commitment to the rights and welfare of children; however, in practice resources at times were insufficient, particularly with respect to low-income families. Government spending was proportionally lower in predominantly Arab areas than in Jewish areas, which adversely affected children in Arab villages and cities. In June the Government passed an emergency economic plan that reduced the child allowance. Children whose parents have served in the army had a cut of 4 percent and children whose parents have not served in the army had a cut of 24 percent. Most Israeli Arabs are exempt from compulsory military service. In addition to the 12 percent cut in February, the decision makes child allowances 37 percent lower for Arab children compared to Jewish children. However, children of Druze or Circassians who are drafted or Christian/Muslims who volunteer for the IDF receive the higher figure. Children from religious Jewish families who do not serve in the IDF receive the lower figure. Ultra orthodox Jews who did not serve in the military faced the same child welfare cuts. However, they were eligible for extra subsidies, including educational supplements not available to others.

Education was compulsory up to the age of 15 or until the child reaches the 10th grade, whichever comes first. Arab children made up approximately one-quarter of the public school population, but historically government resources allocated for them were proportionately less than for Jewish children. Many schools in Arab communities were dilapidated and overcrowded, lacked special education services and counselors, had poor libraries, and had no sports facilities. The Government allocated 26 percent of the school budget for the year for the construction of new classrooms for schools in Arab communities (not including Druze communities). According to the Government's report to the U.N. in February, government investment per Arab pupil was approximately 60 percent of investment per Jewish pupil.

High school graduation rates for Arabs were significantly lower than for Jews. According to 1998 statistics, 58 percent of the teachers in Jewish schools had university degrees compared with 39 percent of the teachers in Arab schools. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest.

Arab groups noted that the public school curriculum stressed Israel's Jewish culture and heritage. Israeli Arab students were not eligible to participate in a special education program to provide academic assistance to students from disadvantaged backgrounds. A petition was filed with the High Court of Justice in 1997 charging that the Ministry of Education's refusal to provide this program to Israeli Arab students was discriminatory. The Attorney General's office agreed that the policy constituted impermissible discrimination but asked for 5 years to expand the program to Israeli Arab students. The petitioners rejected this proposal as being too slow. The court held hearings on the case twice in 1999; during the hearings, the Government promised to equalize special education resources by 2004. In July 2000, the Commission to Examine the Implementation of the Special Education Law (the Margalit Commission) published its detailed recommendations on how to improve special education in the Arab sector. At year's end, the Government still had not implemented those recommendations, and the budget for the year did not contain provisions to equalize spending on Arab and Jewish special education.

The Government operated a number of school systems: one for secular Jews, at least two for religious Jews, and one for Israeli Arabs. Most Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Although Israeli Arab children were free to attend "Jewish schools," most chose schools where the language of instruction was Arabic and the curriculum had less of a "Jewish" focus. Israeli Arab children overall received an education inferior to that of Jewish children in the secular system. The Education Ministry allocated money per class, and due to the larger classes of Arab students, acknowledged that it allocated less money per student in the Arab system than in the Jewish systems. In addition, Jewish schools received additional state and state-sponsored funding for school construction and special programs through other government agencies. In its report to the U.N. in February, the Government stated that the discrepancies between the two sectors were reflected in various aspects in the Arab sector; including physical infrastructure, the average number of students per class, the number of enrichment hours, the extent of support services, and the level of education of professional staff. In 1999 the Government decided to implement a plan that would place the budgetary and educational standards of the Arab sector on par with those of the Jewish sector from the period 1999 to 2003. The plan proposed a unified criteria for allocating resources to the Arab sector, relative to the Jewish sector, and proposed integrating the Arab and Druze sectors equally in all new Ministry programs. However, the Follow-Up Committee on Arab Education claimed that the Ministry's implementation was only partial and did not encompass all of the recommendations presented in the original 5-year plan.

In December 2001, Adalah requested that the Government discontinue GSS monitoring and approval of teachers and administrators in Arab schools and claimed that in its role at the Ministry of Education, the GSS discriminated against persons on the basis of their political affiliation (*see* Section 2.a.).

There has been concern regarding the thousands of children of the country's growing population of foreign workers, many of whom resided in the country illegally. Technically, foreign workers may not enter the country with their spouses or bring their spouses into the country on tourist or work status. Those who did were subject to deportation. Foreign workers who married while in country lost their status and were subject to deportation. These restrictions, however, did not preclude the possibility of children being born to foreign workers while in the country. Those children were entitled to remain with their parent and to receive limited health and education benefits until the age of 18. Children of parents who were in the country illegally live in social limbo, occasionally without access to adequate education and medical care.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements regarding these problems. Although there was a sharp increase in reported cases of child abuse in recent years, activists believed that this largely was due to increased awareness of the issue rather than a growing pattern of abuse. There were five shelters for children at risk of abuse.

Activists estimated that there may be several hundred prostitutes among the nation's children (*see* Section 6.f.).

Persons with Disabilities.—The Government provided a range of benefits, including income maintenance, housing subsidies, and transportation support for persons with disabilities, who constituted approximately 10 percent of the population. Existing anti-discrimination laws do not prohibit discrimination based on disability, and persons with disabilities continued to encounter difficulties in areas such as employment and housing. A law requiring access for persons with disabilities to public buildings was not widely enforced. There was no law providing for access to public transportation for persons with disabilities. Extended protests by organizations for persons with disabilities during the year led to a small increase in government spending in support of persons with disabilities.

National/Racial/Ethnic Minorities.—The Government did not allocate sufficient resources or take adequate measures to provide Israeli Arabs, who constitute approximately 20 percent of the population, with the same quality of government services, as well as the same opportunities for government employment, as Jews. In addition, government spending was proportionally far lower in predominantly Arab areas than in Jewish areas; on a per capita basis, the Government spent two-thirds as much for Arabs as for Jews. In February the Government noted in a report to the U.N. that "the Arab population is typified by larger families, lower levels of education, and lower income than the total Israeli population."

Municipalities, including Arab municipalities, were responsible for issuing building permits within the municipal boundaries. Some Arab NGOs claimed that outside

of Arab-governed municipalities, the Government was more restrictive in issuing building permits to Arabs than to Jews.

The Bedouin sector was the weakest of all the population groups in the country. Bedouin living in unrecognized villages had no way to obtain building permits. In May the Government destroyed 52 Bedouin homes, eliminating all the tents and temporary structures in the unrecognized village of al-'Araqib in the Negev, in which two Bedouin tribes were living. Many ministers publicly acknowledged the continuing disparities in government funding for the country's non-Jewish citizens. Following the demonstrations and disturbances in September and October 2000, the Government approved a \$975 million (4 billion NIS) economic assistance plan for the country's Arab citizens to be phased in over 4 years. Most of the money included in the plan was allocated for education and new infrastructure development. Israeli Arab leaders and human rights groups criticized the plan because it was not based on a comprehensive survey of the economic and development needs of the country's Arab population and was considered inadequate to meet that population's needs. Critics also pointed out that only half of the total sum represented newly allocated money. The Government had still not implemented the plan by year's end.

By law, the Israel Land Authority has 18–24 members; half of which represent organizations forbidden by statute to transfer land to non-Jews. In 1999 the Government appointed the first Arab citizen to the board, and in 2001 the High Court of Justice ruled that the Government must appoint an additional Arab to the board. However, during the year, this had not been done. In March 2000, the High Court ruled on a 1995 petition brought by an Arab citizen couple who were barred from buying a home in Katzir, a Jewish municipality that was built on state-owned land. The High Court ruled that the Government's use of the Jewish National Fund to develop public land was discriminatory, since the fund's bylaws prohibit the sale or lease of land to non-Jews. The High Court determined that its ruling in the case would not affect previous land allocations and that differentiating between Jews and non-Jews in land allocation might be acceptable under unspecified "special circumstances." The municipality was instructed to develop and publish criteria for its decisions and a plan for implementation. By year's end, Israel Lands Authority had not fully implemented the ruling, and the Arab couple still had not been able to purchase a home in Katzir.

Israeli Arab organizations have challenged publicly the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminates against Arab citizens; the Government continued to use this document for planning in the Galilee. At year's end, there were no discernible changes.

Israeli Arabs were underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. In 1999 Arabs constituted 8.7 percent of the students at major universities in the country. Well-educated Arabs often were unable to find jobs commensurate with their level of education. Arab citizens held fewer than 60 of the country's 5,000 university faculty positions. The Government stated that it was committed to granting equal and fair conditions to Israeli Arabs, particularly in the areas of education, housing, and employment. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In 1994 a civil service commission began a 3-year affirmative action program to expand that number, but it has achieved only modest results. In 2000 only the Ministry of Health and Ministry of Religious Affairs had representation of more than 5 percent of Arabs in their workforce. The Ministries of Housing, Transportation, and Trade and Industry, all had representation of less than 1 percent of Arabs in their workforce. Arab composition in the remaining 15 ministries was approximately 5 percent. In October 2000, the Knesset passed a bill requiring that minorities and underrepresented populations be granted "appropriate representation" in the civil service and on the boards of government corporations. The Government took steps toward implementing the law during the year, including setting aside civil service positions for Arab candidates and appointing more Israeli Arabs to corporate boards. For example, during the year, an Arab citizen was appointed to the board of Ben Gurion Airport.

In practice few Israeli Arabs served in the military or worked in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities were subject to the military draft and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens who were not subject to the draft served voluntarily. Those who did not serve in the army had less access than other citizens to those social and economic benefits for which military service was a prerequisite or an advantage, such as housing, new-household subsidies, and gov-

ernment or security-related industrial employment. NGOs challenged in court a government plan to pay less social security child allowance benefits to families in which at least one parent did not serve in the IDF than to families in which at least one parent did. Until the court decides the case, the child benefits remain equal for all families, regardless of parents' IDF service.

Israeli Arab groups alleged that many employers used the prerequisite of military service to avoid hiring non-Jews. For instance, in August 2001 the municipality of Tel Aviv advertised for parking lot attendants; "military service" was a prerequisite.

There were approximately 130,000 Bedouin in the Negev; of this number approximately half lived in 7 state planned communities and the other half lived in 45 settlements that were not recognized by the Government. The recognized Bedouin villages receive basic services from the Government; however, they are among the poorest communities in the country. The unrecognized villages were declared illegal by the National Planning and Building Law of 1965 when the lands on which they sit were rezoned as nonresidential, and the Government claimed ownership of the land. According to the Government, recognizing these villages would conflict with its attempts to establish new villages in "an orderly manner, and would leave disputes over the land unresolved." Residents of the unrecognized villages paid taxes to the Government; however, their villages were not eligible for government services. Consequently, such villages were denied basic health, education, water, electricity, employment opportunities, and other services. In 34 villages, there was no school at all; under these circumstances, there was little incentive to stay in school. New building in the unrecognized villages was considered illegal and subject to demolition. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Since 1994, 8 villages have been recognized officially, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remained illegal. Following a 1999 High Court decision, the Government agreed to begin a study to determine the infrastructure needed in each village, and that the implementation of plans made by a professional team of researchers would be discussed with villagers. A planning committee was required to submit a report regarding the progress of these plans to the Court in October. No projects related to the planning committee had begun by year's end.

In February the Israel Lands Administration sprayed from the air chemical defoliant over 12,000 dunams (12 sq. km) of Bedouin wheat fields on the Negev that had been planted on unrecognized land. The Minister for National Infrastructure explained that the crops had been illegally planted on state-owned land and that he was acting to return the power of the Land Authority. The Ministry's action was widely criticized, both inside and outside the Government.

There continued to be claims by Arab groups that land expropriation for public use affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been neglected or expropriated unjustly for public use; and that successive governments have blocked the return to their homes of citizens displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-term demand to be allowed to rebuild their houses. In 1997 a special interministerial panel recommended that the Government allow the villagers to return to Bir Am and Ikrit. The High Court granted the Government several extensions for implementing the recommendation. In October 2001, after the expiration of the most recent extension, under instructions from the Sharon government, the State Prosecutor's Office submitted an affidavit to the High Court asking it to reject the villagers' appeal, stating that the Government had legally appropriated the land and that the precedent of returning displaced persons to their villages would be used for propaganda and political purposes by the Palestinian Authority. The Court's decision was pending at year's end.

Section 6. Worker Rights

a. The Right of Association.—Citizen workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations were independent of the Government. Histadrut members elected national and local officers and officials of its affiliated women's organization, Na'amat, from political party lists of those already in the union. Plant or enterprise committee members were elected individually. Ap-

proximately 650,000 workers were members of Histadrut, and much of the non-Histadrut work force was covered by Histadrut's collective bargaining agreements.

Palestinians from the West Bank and Gaza Strip who worked in Israel were not able to join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories were not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector were entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees was minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions were free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Citizen workers exercised their legal rights to organize and bargain collectively. While there was no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination was reported.

Nonresident workers could not organize their own unions or engage in collective bargaining, but they were entitled to be represented by the bargaining agent and protected by collective bargaining agreements. It was estimated that there were approximately 300,000 foreign workers in the country. They did not pay union dues, but were required to pay a 1 percent agency fee in lieu of dues, which entitled them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor could extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversaw personal contracts in the unorganized sectors of the economy.

The right to strike was exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occurred. Strike leaders—even those organizing illegal strikes—are protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements often were the central issues of dispute. During the year, there were major strikes of municipal workers on several occasions. The workers were protesting wage and benefit issues.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, specifically including forced and bonded labor by children, and neither citizens nor nonresident Palestinians working in Israel generally were subject to this practice; however, civil rights groups charged that unscrupulous employers often took advantage of illegal workers' lack of status to hold them in conditions amounting to involuntary servitude (see Section 6.e.). The problem was notable concerning non-Palestinian illegal workers.

Women were trafficked for the purpose of prostitution (see Section 6.f.)

d. Status of Child Labor Practices and Minimum Age for Employment.—Children who have attained the age of 15 years, and who fall under the compulsory education law (which applies to all children except those who have completed grade 10), may not be employed unless they work as apprentices under the Apprenticeship Law. Children who are 14-years-old may be employed during official school holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education; and the Government enforced these restrictions in practice.

There were no reliable data regarding illegal child workers. The small number of child workers reportedly was concentrated among the country's Arab population and its most recent Jewish immigrants. Illegal employment was found primarily in urban, light industry.

Children's rights groups have called for more vigorous enforcement of child labor laws, combined with a parallel effort to deal with the causes of illegal child labor.

e. Acceptable Conditions of Work.—In 2001 the minimum wage was raised to 47.5 percent of the average wage. The minimum wage was calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was approximately \$760 (3,266 NIS) per month. The minimum wage often was supplemented by special allowances and generally was sufficient to provide a worker and family with a decent standard of living. Union officials expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes paid less than the minimum wage.

By law the maximum hours of work at regular pay are 47 hours a week, 8 hours per day, and 7 hours on the day before the weekly rest, which must be at least 36 consecutive hours and include the Sabbath.

Employers must receive a government permit to hire nonresident workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories were employed on a daily basis and, unless they were employed on shift work, were not authorized to spend the night in Israel. Palestinians without valid work permits were subject to arrest. Due to security concerns, the Government stopped issuing almost all permits for Palestinian workers following the outbreak of violence in 2000.

Nonresident workers were paid through the employment service of the Ministry of Labor, which disbursed wages and benefits collected from employers. The Ministry deducted a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administered the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers were not eligible for all NII benefits. They continued to be insured for injuries suffered while working in the country, maternity leave, as well as the bankruptcy of a worker's employer. However, they did not have access to unemployment insurance, general disability payments, or low-income supplements. Since 1993 the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel. Mechanisms for providing these services in the PA controlled territories, as well as mechanisms for transferring the funds, have not been established. At year's end, the funds were not transferred and were held in a trust.

Following the outbreak of violence in 2000, the Government implemented a closure policy, which prevented nearly all Palestinians from getting to their places of employment in Israel (*see* Section 2.d.).

Along with union representatives, the Labor Inspection Service enforced labor, health, and safety standards in the workplace, although resource constraints, such as adequate staffing, affected overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates were responsible for safety and health in the workplace.

Workers did not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provided some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

Public debate continued regarding the role in the workplace and society of non-Palestinian foreign workers, who were estimated to number at least 300,000, about half of whom were undocumented and employed illegally. The majority of such workers came from Eastern Europe and Southeast Asia, and worked in the construction and agricultural sectors. The law does not allow foreign workers the ability to obtain citizenship or permanent residence status, unless they are Jewish, in which case they would qualify under the laws which allow for Jewish persons to immigrate. As a result, foreign workers and their families, especially those who entered the country illegally, experienced uncertainty in addressing legal and social problems, including exploitation or abuse in the workplace.

There have been growing allegations that foreign workers were being lured to Israel with the promise of jobs that in fact did not exist. Many foreign workers paid up to \$10,000 to work in Israel. Work visas were tied to specific jobs, and quotas to bring in foreign workers were assigned by the Government to employers. Technically, it is illegal for manpower companies who provide the workers to the employers, to receive payments from the worker, but NGOs and news articles alleged that the companies made thousands of dollars from each worker brought into the country, usually as a payment from the foreign partner. According to NGOs, there have been a significant number of cases where workers have been dismissed shortly after arriving in Israel. These NGOs alleged that the manpower companies worked with deportation authorities to deport the newly arrived workers, who were then replaced with new workers, earning the manpower companies more fees. NGOs argued that most workers expected to work for some time in Israel to recoup their initial payments; often they sought illegal employment for fear of returning home with large debts. According to NGOs, there have been cases where workers have killed themselves rather than face this prospect.

Illegal foreign workers facing deportation were brought before a special court established to deal with issues related to deportation, and workers may contest the deportations. Many workers lacked fluency in Hebrew, which hindered the process.

NGOs existed to aid workers facing deportations, and there have been cases in which the worker's status was reinstated. The court also provided a forum where deportable workers can claim that they were not paid or given benefits according to the law. In some cases, the court delayed deportation until all claims, including severance, were paid. However, some NGOs suggested that illegal workers often lived in situations amounting to involuntary servitude, due primarily to their tenuous legal status. NGOs noted several cases in which foreign workers were injured by the police during arrest. In some cases, these NGOs claimed, the workers were so seriously injured that they were not ultimately detained, due to the potential cost of care for their injuries. At least one foreign worker killed himself while in detention, and NGOs claimed that detention facilities did not meet minimum standards.

During the year there were attempts to include foreign workers within the national trade union Histadrut. News articles and some advocates stated that the union was interested only in collecting dues and had not acted to protect key union members who were singled out for deportation. The editor of the foreign worker newspaper *Manila-Tel Aviv Times* was deported shortly after giving interviews to other publications on the subject of foreign worker rights under the law; foreign worker advocates claimed the deportation was politically motivated. Human rights groups claimed that since foreign worker residency permits were tied to specific employment, even legal foreign workers had little leverage to influence their work conditions.

f. Trafficking in Persons.—The law prohibits trafficking in women for the purpose of prostitution; however, it remained a serious problem. The penal code stipulates that it is a criminal offense, punishable to between 5 and 7 years imprisonment, to force or coerce a person to engage in prostitution. The penal code also makes it a criminal offense to induce a woman to leave the country with the intent to “practice prostitution abroad.” In 2000 the Knesset passed the Equality of Women Law (see Section 5), which stipulates that every woman is entitled to protection from violence, sexual harassment, sexual exploitation, and trafficking. In June 2000, the Government enacted a law that prohibits the trafficking of persons for the purpose of prostitution. The operation of brothels and “organized sex enterprises” is outlawed, as are many of the abuses committed by traffickers and pimps, such as assault, rape, abduction, and false imprisonment. During the year, the Government reported that it increasingly pursued legal action against traffickers.

Women were trafficked primarily from the former Soviet Union, including Moldova, Russia, and Ukraine. According to Amnesty International (AI), every year hundreds of women from the former Soviet Union were brought to the country by well-organized criminal networks and forced, often through violence and threats, to work illegally as prostitutes. According to some local NGOs, several hundred women were trafficked into the country annually. NGOs reported that the number of trafficked women entering the country fell from previous years because of increased security at Ben Gurion airport, but women still were being trafficked across the Egyptian border.

Activists estimated that there may be several hundred prostitutes among the nation's children (see Section 5).

Traffickers reportedly often lured women into traveling to the country by offering them jobs in the service industry. In many cases, traffickers met women at the border and confiscated all their official documents. Many trafficked women were forced to live and work under extremely harsh conditions and to give most of the money they earned to their traffickers. The women reportedly often were raped and beaten, then auctioned to pimps who repeated the procedure. If the women escaped from their traffickers, they were often afraid to report their situations to the police because the traffickers threatened to hunt them down and hurt them. According to press reports, it was common for trafficked women to be told that they must repay the costs of their travel to the country through servicing up to 25 clients a day. They were paid little or no money for this work and once the debt had been repaid, they were auctioned again.

In previous years, some victims accused individual police officers of complicity with brothel owners and traffickers and the Government worked to review these cases. However, during the year, the Government stated that although there were no specific allegations of police involvement in trafficking, there were several allegations that some police officers were involved in “trafficking-related activity,” such as warning brothel owners before police raids.

During the year, the Government opened 67 files for trafficking and related crimes; most files dealt with multiple victims and suspects; the files specifically included trafficking as a charge. A total of 138 persons were detained for trafficking related crimes during the year; 92 persons were arrested and 55 detained until the beginning of legal proceedings. The Government convicted 33 persons and delivered

sentences. In 28 cases, the Government settled by plea bargaining with the defendants.

Police often detained trafficked women following raids on brothels; the number of such raids increased during the year. The Ministry of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. According to the Ministry of Public Security, through September, the Government deported 264 victims of trafficking, not all of whom were prostitutes who had been living illegally in the country.

Authorities generally kept trafficked women who were arrested in a special section of a women's prison and then deported them. Trafficked women often did not challenge a deportation order because they did not speak the language or were unaware of the appeals procedure. The Government transferred women who testified against their traffickers to a hotel or hostel and provided them funds on which to live. Many women were reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. The country has no witness protection program or close and effective links with primary supply countries, such as Moldova. Trafficked women could not apply for legal status to remain as refugees or protected persons unless they were Jewish and filed under the Law of Return. NGO reports and witness testimony indicated that the Government did not attempt to determine whether or not a trafficked woman or girl would be at risk of abuse if she were deported to her country of origin, even in cases in which the woman or girl had testified in criminal proceedings.

The Government provided limited funding to NGOs for assistance to victims. In November the Government finalized a plan to make a shelter available for trafficked women. The Government provided legal representation to some trafficked women. The Government acknowledged the need to educate trafficked women regarding where to go for help and was developing such programs, but had not finalized any plans for or begun such education programs by year's end.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Following the Madrid peace conference in 1992, Israel and the Palestinians entered into negotiations and in 1993, signed the Oslo Accords which established a framework for negotiating transitional and final status arrangements. Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the newly created Palestinian Authority (PA). Israel retained responsibility for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters. (This annex on the occupied territories should be read in conjunction with the report on Israel).

The 1995 Interim Agreement divided the territories into Areas A, B, and C, denoting differing levels of Palestinian and Israeli control. Israel was assigned control of certain civil functions and was responsible for all security in portions of the occupied territories categorized as Area C. Israel and the PA were assigned varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Since then, Israel and the PA have administered the West Bank and Gaza Strip to varying extents. However, the distinctions made under the Interim Agreements were no longer in force following Israel's military incursions into most PA-controlled areas, which Israel carried out citing the Authority's failure to abide by its security responsibilities.

The "Intifada," or Palestinian uprising, began in September 2000. Its causes are complex and remain highly controversial between the parties. Since 2000 the security situation has deteriorated both within Israel and within the Occupied Territories. Israeli and Palestinian violence associated with the Intifada has claimed 1,782 Palestinian lives, 649 Israeli lives, and the lives of 41 foreign nationals. During the past year, the scale and nature of the violence changed and clashes have continued daily. The conflict was marked by increased Israeli military operations and armed attacks and terrorism by Palestinians against Israeli targets—including civilians within Israel, settlers, and soldiers in the occupied territories and Israel. The attacks also included suicide bombings, roadside bombings, shooting at Israeli vehicles and military installations, firing of antitank missiles and mortars, and use of hand grenades. Israel Defense Forces (IDF) military actions against Palestinians included violence and abuse at checkpoints, incursions into Palestinian-controlled towns and villages, targeted killings, firing toward civilian areas with tanks and fighter aircraft, and intense gun battles with Palestinian shooters. Many observers

characterized such actions as punitive. By year's end, Israel reasserted military control, which placed all major West Bank cities except Jericho under IDF control, demolished the homes of suicide bombers and wanted men, conducted mass arrests, and transferred some suspects.

In the West Bank, Area C included the Israeli settlements, constituted more than 61 percent of the land, and approximately 4 percent of the total West Bank Palestinian population. In Gaza more than 12 percent of the land was designated as Area C equivalent, and included the Israeli settlements. In areas designated as Area B, the PA was assigned jurisdiction over civil affairs and shared security responsibilities with Israel. Approximately 21 percent of West Bank land was Area B, and approximately 41 percent of the West Bank Palestinian population resided there. The Area B equivalent in Gaza constituted almost 19 percent of the land. The PA had control over civil affairs and security in Area A. The West Bank Area A constituted nearly 18 percent of the land, and included roughly 55 percent of the West Bank Palestinian population. The Gaza Area A equivalent constituted approximately 69 percent of the land.

In parts of the West Bank and Gaza, Israel exercised civil authority through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK. The approximately 208,000 Israeli settlers (an increase of 33,000 since 2001) living in Area C of the West Bank and in the Gaza Strip were subject to Israeli law and, as citizens, received preferential treatment from Israeli authorities compared to Palestinians in the protection of their personal and property rights. The body of law governing Palestinians in the occupied territories derived from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Certain laws and regulations promulgated by the PA also were in force. The international community considered Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli government considered the Hague Regulations applicable and maintained that it largely observed the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected government in democratic elections that generally were free and fair; the 88-member Palestinian Legislative Council (PLC) and the Chairman of the Executive Authority were then elected. The PA has a cabinet of 19 ministers; however, Chairman Yasir Arafat controls the affairs of government and makes all major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the Palestinian Liberation Organization (PLO). Prior to the Intifada, the PLC met regularly to discuss issues significant to the Palestinians; however, it did not have significant influence on policy or the behavior of the executive. In late 2001, Arafat invoked a state of emergency that granted him broader powers to make arrests, prohibit demonstrations, and take action against political opponents.

On May 14, Arafat signed the long-pending Independence of the Judiciary Law and on May 29 the PA Basic Law, which defined the authorities of the three governmental branches and prescribed direct election of a president accountable to a cabinet and to the elected PLC. Neither law was implemented fully, and at year's end the respective roles of the Ministry of Justice and the High Judicial Council in court operations were still unclear (*see* Section 1.e.). West Bank courts applied laws passed by the Legislative Council and pre-1967 Jordanian law. In recent years, the PA made little progress in efforts to unify the Gaza and West Bank legal codes. Gaza law for subjects not covered by unified legislation included elements from Ottoman law, British Mandate law, Egyptian law, and Israeli military orders. The PA courts were perceived as inefficient, and the PA executive and security services frequently ignored or failed to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consisted of the IDF, the Israel Security Agency (the ISA-formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak), the Israeli National Police (INP), and the paramilitary border police. Israeli military courts tried Palestinians accused of committing acts of violence and terror in Israeli-controlled areas. Members of the Israeli security forces committed numerous, serious human rights abuses.

The Palestinian Police Force (PPF) was established in May 1994 and included the Palestinian Public Security Force, the Palestinian Civil Police, the Preventive Security Force (PSF), the General Intelligence Service, or Mukhabarat, the Palestinian Presidential Security Force, and the Palestinian Coastal Police. Other quasi-military security organizations, such as the Military Intelligence organization, also exercised *de facto* law enforcement powers. Palestinian police were responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories were

not subject to PA security force jurisdiction. Members of the PA security forces committed numerous, serious human rights abuses.

The occupied territories were composed of the Gaza Strip, the West Bank, and East Jerusalem. The population of the Gaza Strip was approximately 1,225,911, not including some 7,000 Israeli settlers. The population of the West Bank (excluding East Jerusalem) was approximately 2,163,667 not including some 182,000 Israeli settlers. The population of East Jerusalem, within the municipal boundaries established by Israel in 1967 was approximately 385,600, including 174,000 Israeli settlers.

The economy of the West Bank and Gaza Strip is small, poorly developed, highly dependent on Israel, and was impacted severely by Israeli curfews and closures, as well as the continuing conflict. The economy relied primarily on agriculture, services, and, to a lesser extent, small manufacturing. Before the beginning of the Intifada, approximately 125,000 workers from the West Bank and Gaza (approximately 22 percent of the Palestinian work force) were employed in Israel. During heightened terrorist activity in Israel or periods of unrest in the West Bank or Gaza, Israeli-imposed closures on Palestinian cities, curfews, and strict limitations on movement within the West Bank and Gaza impeded Palestinians from reaching jobs or markets and disrupted internal and external trade. In addition the IDF and settlers destroyed sections of Palestinian-owned agricultural land and economic infrastructure. The Government of Israel stated that some of these actions, such as the destruction of groves alongside roadways and security fences by the IDF, were necessary for security reasons. Some human rights groups stated that these actions exceeded what was required for security. Unemployment in the West Bank and Gaza was estimated at 44 percent by year's end, up from 23 percent the previous year. Approximately 66.5 percent of Palestinian households were living below the poverty line (57.8 percent of families in the West Bank and 84.6 percent of families in Gaza), which was significantly higher than in previous years.

Israel requires Palestinians to obtain Israeli permits for themselves and their vehicles to cross from the West Bank or Gaza into Israel and Jerusalem. Citing security concerns, Israel applied partial "external closure," or enhanced restrictions, on the movement of persons and products, often for lengthy periods. During times of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest or of terrorist attacks in Israel, Israel imposes a tightened, comprehensive version of external closure, generally referred to as total external closure. Total external closures also are instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, Israel prevents Palestinians from entering Israel or Jerusalem. Israel imposed total external closure on the West Bank for the entire year, compared with 210 days of total external closure in 2001 and 88 days in 2000.

Israel also placed Palestinians in the West Bank under strict "internal closure" for the entire year, allowing only Palestinians with special permits for work or health services to leave cities and pass through checkpoints on main roads. Most Palestinians were unable to leave their towns or forced to travel without authorization on secondary roads.

Israeli forces further restricted freedom of movement of Palestinians by imposing extended curfews on Palestinian towns or neighborhoods. These curfews did not apply to Israeli settlers in the same areas.

Israel's overall human rights record in the occupied territories remained poor and worsened in several areas as it continued to commit serious human rights abuses. Security forces killed at least 990 Palestinians and 2 foreign nationals and injured 4,382 Palestinians and other persons during the year, some of whom were innocent bystanders. Israeli security forces targeted and killed at least 37 Palestinian terror suspects. Israeli forces undertook some of these targeted killings in areas where civilian casualties were likely, killing 25 bystanders, including 13 children. The Israeli government said that it made every effort to reduce civilian casualties during these operations.

Israeli security units used excessive force during Palestinian demonstrations, while on patrol, pursuing suspects, and enforcing checkpoints and curfews, which resulted in many deaths. IDF forces also shelled, bombed, and raided Palestinian civilian areas in response to Palestinian attacks on Israeli targets. Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. The Israeli government said that it has reiterated to its forces that this practice is absolutely prohibited unless the civilian gives his voluntary consent. Israeli forces sometimes arbitrarily destroyed or looted Palestinian property during these operations. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures, alleging in some

cases that emergency vehicles have been used to facilitate terrorist transit and operations. Israeli security forces harassed and abused Palestinian pedestrians and drivers who attempted to pass through the approximately 430 Israeli-controlled checkpoints in the occupied territories. Israel conducted mass, arbitrary arrests in the West Bank during military operations, summoning and detaining males between the ages of 15 to 45. Israel provided poor conditions for Palestinians in its prisons. Facilities were overcrowded, sanitation was poor, and food and clothing at times were insufficient. Israeli security forces tortured detainees, including using methods prohibited in a 1999 High Court decision; police officers also beat detainees. During the year, two Palestinian prisoners died under ambiguous circumstances after Israeli forces took them into custody. Prolonged detention, limits on due process, and infringements on privacy rights remained problems.

Israel carried out policies of demolitions, strict curfews, and closures that directly punished innocent civilians. Israel intentionally punished innocent Palestinians by demolishing the homes of families and relatives of suspected terrorists. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. Some of the suspects had already been killed or arrested. The IDF destroyed numerous orchards, olive and date groves, and irrigation systems on Palestinian-controlled agricultural land. Israel censored Palestinian publications in East Jerusalem, attacked and closed media outlets in the territories, blocked publications and broadcasts, and periodically detained or harassed members of the media. Three journalists covering clashes between Palestinians and Israeli security forces, including some who clearly were identified as non-combatants, were killed by IDF fire and at least five others were injured. The Israeli authorities placed strict limits on freedom of assembly, and severely restricted freedom of movement for Palestinians. Israeli security forces failed to prevent Israelis from entering Palestinian-controlled areas in the West Bank who injured or killed several Palestinians. In some cases, Israeli soldiers escorted Israeli civilians who beat Palestinians and damaged Palestinian property.

The PA's overall human rights record remained poor, and it continued to commit numerous, serious abuses. Many members of Palestinian security services and the Fatah faction of the PLO participated with civilians and terrorist groups in violent attacks against Israeli settlers, other civilians, and soldiers. The PLO and PA have not complied with most of their commitments to Israel, notably those relating to the renunciation of violence and terrorism, taking responsibility for all PLO elements, and disciplining violators. Although there was no conclusive evidence that the most senior PLO or PA leadership gave prior approval for these acts, some leaders endorsed such acts in principle in speeches and interviews. For example, PA Minister of Interior Hani al-Hassan several months ago made comments affirming the legitimacy of attacks on soldiers and settlers in the territories. On a number of occasions, Arafat called on Palestinians not to attack civilians and ordered a complete cease-fire, but he took no action to that effect. PA and PLO officials often condemned attacks against Israeli civilians, but failed consistently to condemn attacks on settlers and soldiers in the occupied territories. PA security forces arrested some of those implicated in the violence, but most were quickly released or not kept under credible conditions of arrest.

Palestinian security forces used excessive force against Palestinians during demonstrations. The PA was responsible for the death of seven Palestinians who were in its custody. The PA had arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. PA security officials tortured and abused prisoners. Such torture and abuse reportedly was widespread. PA security forces arbitrarily arrested and detained persons, and prolonged detention remained a problem. The PA provided poor conditions for prisoners. PA courts—particularly PA security courts—were inefficient and failed to ensure fair and expeditious trials. The imposition by Israel of internal closure in the occupied territories during the year obstructed courts from holding sessions or issuing rulings during most of the year. The PA executive and security services frequently ignored or failed to enforce court decisions. PA security forces infringed on citizens' rights to privacy and restricted freedom of speech and the press. Palestinian groups harassed and abused journalists. Such restrictions and harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. During the year, informal reports of domestic abuse of women increased, and "honor crimes" persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

Israeli civilians, especially settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. During the year, settlers attacked and killed at least five Palestinians. Settlers also caused significant economic damage to Pal-

estonians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops. The settlers did not act under government directive in the attacks, and Israeli soldiers sometimes restrained them, but in several cases Israeli soldiers accompanied them or stood by without acting. The Government of Israel stated that 80 Israeli settlers were indicted for acts of violence against Palestinians. However, in general, settlers rarely served prison sentences if convicted of a crime against a Palestinian.

Palestinian civilians were responsible for the deaths of 154 Israelis killed in the occupied territories. Palestinians targeted Israelis in drive-by shootings and ambushes, suicide and other bombings, mortar attacks, and armed attacks on settlements and military bases. Palestinian militant groups used minors to prepare attacks or carry them out, exploitation that amounted to forced conscription. During the year, Palestinians acting individually or in groups, including off-duty members of the PA security services, killed 74 Israeli civilians, 82 Israeli security personnel, and 3 foreign nationals in the occupied territories. Most of the attacks were organized by a number of Palestinian terrorist groups, including the militant Islamic Resistance Movement (HAMAS), the Palestine Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and the al-Aqsa Martyrs' Brigades. The Democratic Front for the Liberation of Palestine (DFLP) and Fatah affiliated groups also participated in the attacks. Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly had collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. The PA conducted no investigations and made no arrests in any of these killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year, the number of deaths due to political violence associated with the Intifada remained extremely high in the occupied territories. Israeli security forces killed at least 990 Palestinians in the West Bank and Gaza, of whom 132 were members of PA security forces and 2 were foreign nationals. Israeli civilians, mostly settlers, as well as extremist groups believed to be associated with settlers, killed at least five Palestinians. Palestinian militants and civilians killed an estimated 189 Israeli civilians and security personnel in the occupied territories. Palestinian civilians killed at least 35 Palestinians suspected of spying for the Israeli government (*see* Sections 1.c. and 1.g.).

Most Palestinians killed by Israeli security forces were killed during armed clashes, targeted killings, incursions into Palestinian-controlled areas, at checkpoints, or as a result of sometimes excessive or indiscriminate fire toward Palestinian civilian areas. During these incidents, Palestinian protesters frequently threw stones and Molotov cocktails, and in some cases, also fired weapons at IDF soldiers (*see* Sections 1.c. and 1.d.). Israeli security forces used a variety of means to disperse protesters, including tear gas, rubber-coated metal bullets, and live ammunition. The IDF generally did not investigate the actions of security force members who killed and injured Palestinians under suspicious circumstances. Since the start of the Intifada, the IDF has opened only 30 investigations into the improper use of deadly force despite the fact that human rights organizations have raised numerous allegations.

Israeli security forces used excessive force against protesters, in response to perceived threats while on patrols, in pursuing fleeing suspects, and in responding to trespassers in restricted areas, at times resulting in death. For example, on September 30, IDF soldiers shot and killed a 10-year old Palestinian boy in the Balata Refugee Camp in Nablus. The boy was among a group of youths who were throwing rocks at Israeli soldiers. The use of lethal force against a rock-thrower, in this instance and in many others like it, was excessive. IDF statistics state that no Israeli soldier has ever been killed by rock throwing.

On May 5, the IDF killed a mother and her two young children in Jenin, while they were picking grape leaves in the area. Soldiers in an approaching tank heard a loud sound and opened fire, killing the woman and her children. The IDF initially claimed the tank had run over a mine, but later acknowledged that the tank's track had simply disconnected. While the IDF expressed regret for the deaths, it maintained that the soldiers acted according to regulations.

IDF soldiers shot and killed suspects who were avoiding arrest but not threatening their lives. For example, on November 27, the IDF undertook a military incursion into the Askar Refugee Camp in Nablus in the early morning and shot and killed a fleeing man, who walked the streets of the camp in the morning to awaken

people for prayers. He was discovered later to have been a frightened civilian not wanted by the IDF.

IDF soldiers fired without warning on trespassers in restricted areas, on several occasions killing Palestinians who posed no threat. For example, on the night of December 12, Israeli soldiers in a tank fired on and killed five men spotted near the fence dividing Israel and the Gaza Strip. When an IDF patrol went to investigate the scene the following day, it discovered that the five men were unarmed Palestinian workers from a single family who apparently were seeking to enter Israel to find jobs.

The IDF rules of engagement authorize soldiers to use deadly fire in cases of self defense, in defense of others facing an imminent threat to life, during procedures for apprehending suspected terrorists, and in extreme cases when dispersing rioters. The IDF stated that its rules of engagement on the use of live fire are fully consistent with international laws of armed conflict.

During the year the IDF targeted for killing at least 37 Palestinians. In the process, IDF forces killed at least 25 bystanders, relatives, or associates of those targeted and injured a number of others, although the Israeli security forces state that in planning operations, they make every effort to reduce civilian casualties. According to the IDF, the targeted persons were individuals whom the IDF believed were terrorists and had recently attacked or had been planning future attacks against Israeli civilians, settlements, or military targets. The IDF stated that it targeted persons only with the authorization of senior political leaders. The Government of Israel stated that such actions were exceptional self-defense measures taken only against those engaged in hostilities against Israeli citizens and were justified by its obligation to protect its citizens against terrorism and consistent with its right to self defense.

Israeli security forces put large numbers of civilian lives in jeopardy by undertaking targeted killings in crowded areas where civilian casualties were likely. This occurred despite statements that it had aborted operations against known terrorists when it became clear that they might endanger innocent civilians. For example, on July 23, Israel fired a missile at a civilian apartment building in a densely populated area of Gaza City in order to kill HAMAS military wing leader Salah Shahada. Israeli forces killed 14 other Palestinians in the effort, including 9 children. The Government of Israel publicly apologized for the incident.

Israeli security personnel used excessive force while manning checkpoints, killing a number of Palestinians (see Section 1.g.). On December 3, an IDF soldier shot and killed a 95-year-old Palestinian woman riding in a taxi on a Ramallah road that the army claimed was forbidden to Palestinian vehicles. An IDF inquiry into the case established that the shots were fired without justification, because the taxi did not pose a lethal threat to the soldiers. The soldier faced possible criminal charges.

Israel put civilian lives in jeopardy by using imprecise, heavy weaponry in operations against terrorist infrastructure conducted in civilian areas, in contravention of their own rules of engagement. Frequently, and often following shooting attacks, many of which were nonlethal, in the direction of Israeli settlements and military positions, the IDF retaliated against Palestinian towns and cities in the West Bank and Gaza. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from helicopters and F-16s at targets in residential and business neighborhoods located near the sites from which the Palestinian gunfire was believed to have originated. For example, on October 17 an unidentified Palestinian located in the Rafah refugee camp area fired an antitank shell at an IDF construction crew. Israeli forces responded by firing tank shells into the refugee camp, killing seven Palestinians including two women and two children. The shells also injured 35 other Palestinians.

Numerous civilians were killed by Israeli security forces during military incursions into Palestinian-controlled (Area A) cities and towns. Such incursions usually were conducted in response to Palestinian suicide bombings, shooting attacks that had killed Israeli civilians, settlers, or soldiers, or to make arrests. Israeli security forces also conducted military incursions on the basis of intelligence information about possible future attacks. Palestinians often resisted with gunfire and by booby-trapping civilian homes and apartment buildings. The military incursions into these areas varied in length from a few hours to several months. As part of such actions, the IDF usually leveled and raided buildings, including homes. The Government of Israel stated that such actions were intended to widen a security strip area adjacent to Israeli-controlled territory to or clear access for Israeli forces.

On April 3, Israeli security forces launched an incursion into the Jenin refugee camp, home to approximately 14,000 Palestinian civilians. The Government of Israel stated that the incursion was intended to attack Palestinian terrorists who had taken refuge in the camp and were responsible for suicide bombings and other attacks that had killed more than 70 Israelis since March. Israeli forces destroyed ap-

proximately 140 homes and made 200 others structurally unsound during the operation, leaving approximately 4,000 camp residents homeless. Israeli forces killed 52 Palestinians in the operation, including 22 unarmed civilians who were killed inadvertently during the operation. The Israeli government stated that it made every effort to reduce civilian casualties, including by not using heavy weaponry or airpower. Palestinian gunmen killed 14 Israeli soldiers during the operation.

Israeli forces used excessive force to enforce curfews in reoccupied Palestinian areas, resulting in the deaths of at least 15 civilians, 12 of them children under the age of 16. For example, on October 11 Israeli border police enforcing a curfew in Nablus fired on a family sitting on its balcony, killing the mother and injuring her husband and son. Israel said it was investigating the killing, but no results were forthcoming at year's end.

Israeli security forces manning checkpoints often impeded the provision of medical assistance to sick and injured Palestinians, contributing to the deaths of at least 14 Palestinians (*see* Section 1.g.).

During the year, Israeli forces were responsible for the death in custody of at least one Palestinian. On March 31, IDF soldiers detained Murad 'Awaisa, a 17-year-old Palestinian, and several other Palestinians in an apartment building in Ramallah. IDF soldiers beat 'Awaisa and forcibly removed him from the room where he was imprisoned. Other detainees reported intense gunfire inside and outside the building and that the soldiers later told them that 'Awaisa had died. Inspection by the Palestinian physician who took 'Awaisa's body to the hospital and quick burial revealed two bullet wounds. The IDF said it would investigate the death. No results were forthcoming by year's end.

Israel forces may have beaten and killed one other Palestinian prisoner. On December 30, Israeli Border Police in Hebron arrested 'Imran Abu Hamdiyeh, a 17 year old Palestinian. Palestinians found Hamdiyeh dead in Hebron's industrial area later that day. He had been beaten to death. Israel said it was investigating the death but no results of the investigation were forthcoming by year's end.

Palestinian security forces used excessive force against Palestinians during demonstrations. For example, on January 22 PA police in Nablus violently dispersed a crowd demonstrating against the PA and demanding the release of HAMAS and Palestinian Islamic Jihad prisoners. The police shot and killed a Palestinian man while dispersing the crowd.

Palestinian security officers and members of Arafat's Fatah faction attacked and killed Israeli settlers, civilians, and soldiers. They often fired at Israelis from within or close to the homes of Palestinian civilians or in other locations in which civilians were present, drawing Israeli return fire and increasing the potential for the non-combatants to be injured. Arafat issued several ceasefire orders and denounced attacks on civilians without lasting effect, but took no action to arrest or try violators.

During the year, there were no reports that Palestinian security forces impeded the provision of medical assistance to injured Israelis in the occupied territories.

The PA was responsible for the deaths of seven Palestinians in custody. The PA arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. For example, in 2001 PA security services arrested Mahmoud Nimer Sabateen, a 27-year-old Palestinian from the village of Housan, on suspicion that he collaborated with Israel and provided information that led to the killing of Fatah activists. In 2001, Sabateen was sentenced to death by firing squad. On March 14, when the execution still had not been carried out, armed Fatah members dragged Sabateen from his prison and killed him in Bethlehem.

Palestinian police may have tortured and killed one prisoner. On April 24, Ayman Ghayad Hilles, a 36-year-old Palestinian from al-Shajaeya in Gaza, died while in the custody of PA police in Gaza City. On April 23, PA police arrested Hilles allegedly on criminal charges and informed his family 1-day later that he had died in custody after being transferred to al-Shifa Hospital in Gaza City. PA police said that an investigation would be conducted to determine the circumstances of his death. At the request of the family, an autopsy was carried out at al-Shifa hospital. A preliminary examination revealed large bruises on his legs and hands, as well as signs of blunt trauma to the head, suggesting that Hilles had been tortured. The autopsy concluded that it was a suspicious death.

Palestinian civilians harassed, attacked, and killed Israelis, especially settlers and soldiers. During the year, Palestinians, acting as individuals or in unorganized or small groups, including some members of PA security services, killed 88 Israeli civilians, 101 Israeli soldiers, and injured hundreds of others in acts of violence and terrorism in the occupied territories (*see* Section 1.c.). The Palestinian attacks consisted

of shootings, bombings involving improvised explosive devices, suicide bombings, and stone-throwing at Israeli drivers.

For example, on June 5, 2001, a five-month-old Israeli boy was hit in the head and critically injured when Palestinians threw stones at the car he was riding in near Shilo Junction in the West Bank. He was transported to the Hadassah intensive care unit, where he died on June 10.

On February 16, a Palestinian suicide bomber strapped with nail studded explosives blew himself up in a pizzeria at the Israeli Karnei Shomron settlement in the West Bank, killing three Israeli children.

On September 5, Palestinian militants detonated explosives that they had concealed near the Kissufim Crossing in Gaza and blew up an Israeli tank, killing an Israeli soldier.

Israeli settlers, acting individually or in small, at times unstructured, groups harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (*see* Section 1.c.). During the year, settlers killed at least five Palestinians by shooting them or stoning their vehicles and causing accidents. For example, on October 6 armed settlers fired on Palestinians harvesting olives. They injured two Palestinian men and killed a Palestinian who rushed to the scene. The Israeli government did not generally prosecute the settlers for their acts of violence (*see* Section 1.g.). According to Israeli government statistics, 80 settlers were indicted for violence against Palestinians. However, in general settlers rarely were detained or even investigated for crimes they committed against Palestinians.

HAMAS, PIJ, the PFLP, DLFP, and Fatah-affiliated groups such as the al-Aqsa Martyrs' Brigades and the Brigades of Return continued to kill and injure Israelis. By year's end, the PA made few arrests in these killings and made no effective efforts to control the violence. Many of those arrested were released a short time later or held under conditions not commensurate with normal conditions of arrest.

Some PA officials made public statements justifying Palestinian attacks on Israelis, stating that such attacks were in response to the occupation. Additionally, Fatah leaders made public statements urging Palestinians to continue all aspects of the Intifada, including violent attacks.

Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. In March alone, Palestinian extremists killed 10 alleged collaborators in the streets of the West Bank. The PA made no arrests in any of these killings. An example of such a case was the March 14 death of Mahmoud Nimer Sabateen, in which no one was held accountable.

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

In 2001 one man disappeared in the West Bank and remained missing. Some have suggested that his disappearance was probably criminally motivated and not carried out by Israel.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—In a landmark September 1999 decision, the Israeli High Court of Justice prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures; however, during the year, human rights organizations, including B'tselem, Human Rights Watch, LAW, and the Mandela Institute for Political Prisoners reported that there was an increase in the number of allegations that Israeli security forces tortured and abused detainees, and used methods prohibited in the 1999 High Court decision. Israeli security forces could obtain special permission to use "moderate physical pressure" against detainees considered to possess information about an imminent attack. The GSS has used court-approved "extraordinary interrogation methods"—some of which included physical pressure—in 90 cases since the law was passed in 1999. The Attorney General's office investigated allegations of mistreatment, but few cases were opened and no GSS agent has been criminally charged with torture or other abuse for the past several years. Israeli and Palestinian human rights groups noted that jailers made it difficult to visit prisoners during the interrogation period and that some detainees were reluctant to report abuse out of fear of retribution.

Several human rights groups stated that the case of Abdel Rahman al-Ahmar was representative of the allegations of physical abuse they received. In May 2001, Israeli authorities arrested al-Ahmar, a well-known Palestinian human rights activist and field researcher, for entering Jerusalem without a permit. The authorities first detained al-Ahmar at Etzion prison, then transferred him 6 days later to the Russian Compound in Jerusalem. According to testimony he gave his lawyer, au-

thorities beat al-Ahmar when they arrested him, subjected him to shabeh (shackling in painful positions for prolonged periods), and held him in a dirty, cold cell. According to a press release from the Public Committee Against Torture in Israel, authorities denied al-Ahmar adequate medical care. In June 2001, an Israeli military judge denied al-Ahmar's legal complaint of torture—despite bruises on his arms and visible difficulty walking—and extended his detention without charging him. In July 2001, al-Ahmar was remanded for 6 months of administrative detention, and in November 2001 the order was renewed for an additional 6 months. International, Israeli, and Palestinian human rights groups continued to petition for his release. Al-Ahmar was released early this year.

Most convictions in security cases before Israeli courts were based on confessions. The law prohibits the admission of forced confessions as evidence. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Israel government did not allow representatives of the International Committee of the Red Cross (ICRC) access to detainees until the 14th day of detention. Detainees sometimes stated in court that their confessions were coerced, but judges rarely excluded such confessions. During the year, there were no known cases in which an Israeli court excluded a Palestinian confession because of a finding of improper means of investigation or interrogation.

During the year, Israeli security forces injured approximately 4,382 Palestinians during armed clashes, violent demonstrations, retaliatory strikes, and other military actions (*see* Sections 1.a., 1.g., and 2.b.).

The IDF injured a number of bystanders, including journalists, at demonstrations, clashes, during retaliatory strikes, and during targeted killings. During the year, Israeli gunfire killed three journalists and injured at least one other during Israeli military actions (*see* Sections 1.a. and 2.a.).

Israeli authorities abused Palestinians at checkpoints, subjecting them to verbal and physical harassment. Each day, tens of thousands of Palestinians who traveled between Palestinian towns and villages had to pass through 1 or more of the approximately 430 Israeli checkpoints across the occupied territories; significantly more than the 130 checkpoints in 2001. Abuse was common, and as many as several thousand Palestinians encountered some form of abuse from soldiers at checkpoints. Palestinians were subjected to excessive delays in passing through checkpoints. Israeli soldiers forced Palestinian civilians to wait in the rain or inclement weather for excessive periods of time. For example, in November Israeli soldiers made a group of Palestinian schoolteachers in Asira ash-Shamaliya wait in a ditch in the rain for several hours before allowing them to pass through a military checkpoint.

Palestinians in the West Bank and Gaza were subjected to beatings, tire slashings, and gunfire directed against them or their vehicles because they were traveling on, or trying to circumvent, roads on which the IDF blocked passage to Palestinians as it attempted to enforce internal closures between Palestinian cities and towns in the West Bank and Gaza (*see* Section 2.d.).

Israeli security personnel on patrol abused and in some cases tortured Palestinian civilians. On several occasions during the year, Israeli border policemen in Hebron detained Palestinian civilians and beat them without provocation. For example, in early December, Israeli Border Police in Hebron halted Badr Abu Sneh, a Palestinian taxi driver, handcuffed him, and beat him for 10 minutes. On December 3, IDF soldiers in Hebron raided a barbershop in the city for no stated security purpose, shaved the heads of two Palestinians sitting in the shop, and beat them. The IDF had opened an investigation into the latter incident, but no results were forthcoming at year's end.

Israeli fire killed 4 on-duty Palestinian medical personnel during retaliatory attacks on civilian areas or PA institutions, compared to 67 attacks against Palestinian Red Crescent Society (PRCS) ambulances and 121 injuries caused by IDF soldiers (*see* Sections 1.a and 1.g.).

Article 13 of the PA Basic Law signed this year prohibits the use of torture or force against detainees; however, PA security forces tortured and abused Palestinian detainees. Such abuse generally took place after arrest and during interrogation, and reportedly was widespread. Palestinian security officers were not issued formal guidelines regarding the proper conduct of interrogations. The PA lacked adequate equipment to collect and use evidence, and convictions were based largely on confessions.

PA security officials tortured and abused prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that PA authorities have shaken them violently while in PA custody. International human rights groups have documented widespread arbitrary and abusive conduct by the PA. The organizations stated that

the use of torture was widespread and not restricted to those persons detained on security charges. Human rights groups stated that Palestinians who were suspected of belonging to radical Islamic groups were more likely to be treated poorly, as were the 250 alleged collaborators with Israel who were arrested since the start of the Intifada. Observers noted that documentation of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture and abuse against the PA authorities.

During the year, one Palestinian died under PA custody, allegedly due to abuse (see Section 1.a.).

Palestinian security officers and Fatah Tanzim members with firearms attacked and injured Israelis. In some cases, they fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians, drawing Israeli return fire (see Section 1.a.). Palestinian security forces often failed to prevent armed Palestinians in areas under PA control from opening fire on Israeli settlers or other civilians, soldiers, or military targets.

Extremist Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.a.).

Some settlers attacked Palestinian homes and damaged crops, olive trees, greenhouses, and agricultural equipment, usually in areas located near settlements, causing extensive economic damage to Palestinian-owned agricultural land. In October settlers disrupted the Palestinian olive harvest by firing on Palestinians picking olives, beating harvesters returning home and stealing the harvest, and invading Palestinian property and picking the olives themselves. The settlers admitted to these activities but cited past Palestinian attacks on their settlement and claimed that the Palestinians must be deterred. Many settlers also claimed that Palestinians had no right to live on the land of "greater Israel" and that Palestinian attempts to cultivate their land was a form of theft. The settlers acted in an area in which the IDF was responsible for security. Settlers acted independent of government direction in such attacks. There have been some instances in which IDF forces protected Palestinians from settlers; however, the Government of Israel generally did not prosecute settlers for their acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, during the year, the Government stated that it indicted 80 Israelis for violence against Palestinians. In 20 of the cases, the perpetrators were indicted during their detention. Israel often enforced security by applying curfews and closures only to Palestinians, which on occasion prevented Palestinians from defending themselves and their property from attacks by settlers.

For example, from July 26 to 28, settlers in Hebron killed Nivin Jamjum, age 14, stabbed Ahmad a-Natsheh, age 8, beat Ahmad's brother Falah, age 9; injured more than 10 other Palestinians; took control of a house and damaged property in 20 other houses. Settlers also verbally and physically abused Israeli security forces in the city, but some committed their violence while accompanied by Israeli soldiers. Settlers claimed they were avenging a Palestinian shooting attack on July 26 that killed Elazar Leibowitz, a 21-year-old Israeli soldier and Hebron settler, and three residents of the P'sagot settlement, Hana and Yosef Dickstein and their 9-year-old son, Shuva'el. The couple's two other children were injured in the attack. A curfew on the city remained in effect for Palestinians during the duration of the events described.

During the year, Israeli settlers in Hebron continued their longstanding harassment of members of the Temporary International Presence in Hebron (TIPH), which monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city, and damaged a number of their vehicles.

Palestinians harassed, attacked, and occasionally killed Israelis, especially settlers (see Section 1.a.).

Conditions for Palestinians in Israeli prisons were poor. Facilities were overcrowded, sanitation was poor, and at times food and clothing were insufficient. Israel set up tents at the Ofer Camp and crowded 60 Palestinian prisoners under each tent. Israel was unprepared to accommodate properly the thousands of Palestinians that were arrested in sweeps that accompanied Israeli operations this year. During April and May, Israel shut down the Ketziot prison to reorganize the facilities after discovering that it was not suited to handling the large number of detainees. In August 40 female Palestinian prisoners at the Ramlah prison conducted a 5 day hunger strike protesting conditions at the facility.

The IDF prevented families from visiting prisoners, citing the security situation as the reason. Visits for families of prisoners from Gaza took place at a fairly normal level. During the year, one Palestinian prisoner died in Israeli custody under suspicious circumstances and another Palestinian who had been taken into custody was later found dead (see Section 1.a.).

Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups sometimes encountered difficulties gaining access to specific detainees.

The PA provided poor conditions for its prisoners. In many cases, facilities were old, dilapidated, and neglected. There are separate facilities to hold juvenile prisoners. Most Palestinian prison facilities and detention centers were destroyed during the current conflict, and prisoners were kept informally in houses or other buildings. One Palestinian died under suspicious circumstances after having been taken into custody by the PA (*see* Section 1.a.).

The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights organizations stated that the police, the Preventive Security Force, and Mukhabarat generally allowed them to inspect facilities and visit prisoners and detainees. However, they stated that the Military Intelligence Organization usually did not grant them access to facilities that they controlled. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities, and that they rarely were permitted to see inmates while they were under interrogation.

The ICRC operated in the West Bank and Gaza under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accorded the ICRC access to all detainees held by the PA and allowed regular inspections of prison conditions. In accordance with the agreement, the ICRC conducted visits of facilities run by the PA. The PA may deny a group access to a detainee for 14 days immediately following his or her arrest. When abuses occurred, they frequently happened during that 2 week period.

d. Arbitrary Arrest, Detention, or Exile.—Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense. During the year, Israel conducted mass, arbitrary arrests in the West Bank. Most of those arrested were released several days or weeks thereafter. On April 5, Israel issued Military Order 1500, allowing the Israeli army to detain people for 18 days during which detainees were barred from seeing a lawyer or appearing before court. In March and April, during Operation Defensive Shield, Israel conducted mass arrests under this order's authority. Israeli forces began the operation on March 28, one day after a Palestinian suicide bomber blew himself up in the Park Hotel in Netanya, killing 30 Israelis. Israel entered cities and ordered all male civilians between the ages of 15 and 50 to assemble in main squares, blindfolded and handcuffed them, and led them to detention centers for processing. In such a way Israel arbitrarily detained approximately 7,000 Palestinians and later released 5,600 of them after a few days or weeks without taking legal action against them. Several Palestinians and human rights groups challenged the legality of these arbitrary arrests and delays of legal representation in court, and Israel announced that it would allow access to an attorney within 4 days and an appearance before a judge after 12 days. Human rights group did not consider these changes sufficient and their legal challenge had not been adjudicated by year's end.

Israel used administrative detention to hold hundreds of Palestinians without trial or charge. Prisoners who were not charged and tried in time were administratively detained after their arrest to put off their trial. At year's end, Israel held 1,007 Palestinians in administrative detention. Individual administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely. Israel conducted *de facto* detentions at checkpoints by confiscating Palestinian identification cards and keys. Israel conducted these detentions as a form of harassment at checkpoints and Palestinians were unable to leave the scene until IDF soldiers returned the items.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. There were reports that some such summonses were issued immediately before and during the Intifada. Israeli military order 1369 provided for a 7-year prison term for anyone who did not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. During the year, there were no reports that any person was convicted of failing to respond to a summons. Bail rarely was available to those arrested for security offenses.

Israel applied a different age standard in prosecuting Palestinian youth than when prosecuting Israeli youth. Israeli youth under the age of 18 cannot be tried as adults; however, Palestinian youth who are 17 years of age can be tried as adults.

Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact. Higher-ranking officials or judges may extend the period during which a detainee is denied access to counsel. For example, access to counsel was denied routinely while a suspect was being interrogated, which may last up to several weeks.

Israel hampered or prevented contacts between Palestinians in Israeli prisons and detention facilities and their lawyers, families, and human rights organizations. Legislation regarding the occupied territories requires the Israeli authorities to inform the family of a person's arrest and place of detention "without delay." Israeli authorities stated that they attempted to post notification of arrest within 48 hours, but that senior officers may delay notification for up to 12 days. In fact a military commander may appeal to a judge to extend this period in security cases for an unlimited period of time. Such notification rarely was given, and Palestinian suspects often were kept incommunicado for much longer than 48 hours. Even if family members or others became aware of a person's arrest, it often was difficult for them to obtain information regarding where a detainee was being held or whether the detainee had access to an attorney. Palestinians generally located detained family members through their own efforts. Palestinians may check with a local ICRC office or the Israeli human rights organization HaMoked to determine whether it has information regarding the whereabouts of a family member.

The Israeli government routinely transferred Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention centers in Megiddo and the Negev Desert. Israeli authorities in some instances scheduled appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly used such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian prisoners had difficulty obtaining legal representation because of restrictions in place on Palestinian lawyers. Since the Intifada began, only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in Israeli prisons as advocates or monitors. This significantly reduced the availability and timeliness of legal aid for such prisoners due to a reduction from 1,300 to approximately 100 available lawyers to handle such cases. Lawyers with Jerusalem identification cards reported frequent, repeated, and lengthy delays in meeting with prisoners. Israeli lawyers did not take steps to fill the void, which had grown even more severe with the greatly increased numbers of Palestinian detainees during the past year.

Human rights groups stated that Palestinian lawyers from the Gaza Strip had a more difficult time obtaining permission to meet their clients than their West Bank counterparts, and that they were denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, generally were barred from visiting relatives in Israeli facilities. Relatives of Palestinian prisoners also stated that in some instances they learned that visitation rights were canceled only when they arrived at the prison after having traveled for many hours from the occupied territories. Following the outbreak of violence in September 2000, the Israeli government banned all family visits for Palestinian prisoners in Israeli prisons, although some visitation rights were restored intermittently after ICRC intervention (*see* Section 1.c.).

Evidence used at hearings for administrative detentions in security cases was secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer were required to leave the courtroom when secret evidence was presented. Israeli authorities maintained that they were unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In 1998 the High Court of Justice ruled that only judges, rather than military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success were very limited. No information was available regarding whether any detainees were successful in such appeals.

During the year, the total number of Palestinian prisoners and administrative detainees in Israeli prisons more than doubled due to arrests associated with terrorist acts and the violence of the ongoing Intifada. According to the IDF, there were 4,672 Palestinian security prisoners held in IDF and Israeli Prisons Service jails, compared to 1,854 at the end of 2001. The IDF also held an unspecified number of Palestinian detainees in waiting facilities in the occupied territories. Approximately 1,400 had been detained before the Intifada began (most of them were pre-Oslo prisoners serving long terms), and approximately 3,000 of those in custody had been ar-

rested during the year. During the year, approximately 10,000 Palestinians were detained, of whom an estimated 7,000 were released or had completed their sentences.

At year's end, Israel held 1,007 Palestinians in administrative detention. Most had been detained for less than 1 year. A number of Palestinians under administrative detention during the previous several years have had their detention orders renewed repeatedly and few, if any, appeals were successful.

Israel forcibly transferred persons suspected of terror from the West Bank to Gaza. In July the Government of Israel announced its intention to forcibly transfer from the West Bank to the Gaza Strip relatives of persons known or suspected of having organized or participated in attacks against Israelis. On August 1, the IDF West Bank Commander signed an amendment to Military Order 378 allowing for the forcible transfer of Palestinians from the West Bank to the Gaza Strip. On September 3, the Israeli High Court of Justice issued a ruling allowing the forcible transfer of two Palestinians from Nablus to the Gaza Strip on the grounds that they were not being transferred out of the occupied territories and had allegedly assisted their brother to commit attacks against Israelis. The two Palestinians, Intisar and Kifah 'Ajuri, were in detention since June 4 and July 18, respectively, but never were charged nor brought to trial. The Israeli government claimed that it could not try them because this would expose the source of the evidence against them.

The 2001 PA Criminal Procedures Law contains unified procedures that allow police to hold detainees without charges for 24 hours. Prosecutors can authorize detention for another 15 days. Court approval is necessary for detention without charges for a maximum of 30 more days. The Attorney General can ask any court of first instance to authorize up to another 45 days of detention. After the first 90 days of incarceration, the detainee must be brought before the court having jurisdiction in the case for any other extension of detention. A trial must start within 6 months of arrest, or the detainee must be released.

On May 14, Chairman Arafat signed the Independence of the Judiciary Law and on May 29 he signed the PA Basic Law, which defines the authorities of the three governmental branches and prescribes direct election of a president accountable to his cabinet and to the elected PLC. Neither law has yet been fully implemented; hence the safeguards they offer are not fully in place. The lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court of Justice orders to release detainees.

PA security forces arbitrarily arrested and detained persons, and security officials often ignored laws that restrict their actions. The PA ignored court decisions calling for the release of alleged security criminals. On November 24, the PA High Court of Justice ordered Eid Atya Abu Anseer released from detention for lack of evidence. The PA Military Intelligence Service in Gaza had arrested Anseer on charges of collaborating with Israel. Despite this ruling, Anseer remained imprisoned at year's end. Lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials.

At year's end, approximately 250 suspected collaborators and at least 20 political prisoners were in custody in PA prisons (*see* Section 1.e.). These alleged collaborators often were held without sufficient evidence, and denied access to lawyers, their families, or doctors.

PA authorities generally permitted prisoners—except those held for security offenses—to receive visits from family members and human rights monitors. PA security officials did not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this was not always permitted.

PA security services had overlapping or unclear mandates that often complicated the protection of human rights. Leadership changes and Israeli strikes against security posts have seriously crippled the PA security apparatus. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces detained persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still were not well developed and have not been made fully available to the public.

There were many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicated the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts and to determine their numbers. During the year, most PA prisons were destroyed during Israeli operations, and the use of informal detention centers in homes and apartment buildings spread. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services did not inform families of a relative's arrest, or did so only sporadically. Most PA security officers

remained unaware of proper arrest, detention, and interrogation procedures, as well as basic human rights standards.

PA security forces continued to harass journalists, political activists, and human rights advocates who criticized the PA and its policies (*see* Section 2.a.).

Neither the Israeli government nor the PA used forced exile, or forcibly deported anyone from the occupied territories, during the year. However, Israel and the PA sanctioned the voluntary agreement of 13 Palestinian gunmen to go into exile in Europe and another 35 to Gaza in a negotiated resolution of the standoff at the Church of the Nativity in Bethlehem in the spring.

e. Denial of Fair Public Trial.—Israeli law provides for an independent judiciary, and the Government generally respected this provision. Palestinians accused by Israel of security offenses in the occupied territories usually were tried in Israeli military courts. Security offenses are defined broadly and may include charges as varied as stone throwing or membership in outlawed organizations, such as HAMAS or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

The 1970 regulations governing Israeli military trials allowed for evidentiary rules that were the same in criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners were sentenced on the basis of the alleged coerced confessions of both themselves and others. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Counsel may assist the accused, and a judge may assign counsel to those defendants when it is deemed necessary. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in civilian criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also may petition to the civilian High Court of Justice (as a court of first instance) in cases in which they believe there are procedural or evidentiary irregularities. The court may hear secret evidence in security cases that is not available to the defendant or his attorney; however, while a conviction may not be based solely on such evidence, it reportedly may influence the judge's decision.

Trials sometimes were delayed because witnesses, including Israeli military or police officers, did not appear, the defendant was not brought to court, files were lost, or attorneys failed to appear, sometimes because they were not informed of the trial date or travel restrictions prevented Palestinian lawyers from reaching the court (*see* Section 2.d.). These delays pressured some defendants to plead guilty to minor offenses so that an expedited trial could be held; in expedited trials a charge sheet was drawn up within 48 hours and a court hearing was scheduled within days. There frequently was no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintained that this was due to the refusal of Palestinians to cooperate with the authorities. However, Palestinian authorities maintained that the absence of Palestinian witnesses was due to strict travel restrictions. Tension resulting from the security situation, and the closures imposed on the West Bank and Gaza, posed additional barriers to cooperation. Physical and psychological pressures and reduced sentences for those who confessed induced security detainees to sign confessions. Confessions usually were given in Arabic but translated into Hebrew for the record because, authorities maintained, many Israeli court personnel could speak Arabic but few could read it. As a result, many Palestinian prisoners signed confessions written in Hebrew, which many could not read or understand.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hindered legal defense efforts. Appointments to see clients were difficult to arrange, and prison authorities often failed to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted in Israeli courts of crimes against Palestinians, and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians (*see* Section 1.a.). The Government of Israel stated that it established a special department within the police force to investigate violence by settlers; the establishment of such a unit has not noticeably diminished the problem. During the year, 42 settlers were indicted for violence in the occupied territories;

however, most of these indictments were for crimes against Israeli security forces rather than against Palestinians.

The Israeli government maintained that it held no political prisoners, but Palestinians claimed that many of the 1,007 Palestinian administrative detainees being held without charge were political prisoners.

The Government of Israel held thousands of persons for security related offenses (*see* Section 1.d.).

The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence. The lack of judicial independence and the lack of rule of law in the PA led to continuing problems of torture, extrajudicial killings, and arbitrary detention (*see* Sections 1.a., 1.c., and 1.d.).

The PA inherited a court system largely based on structures and legal codes that predate the 1967 Israeli occupation and Israeli military orders. Legislation implemented in the past 2 years clarified the court structure and changed the types or sizes of cases that some of the civil courts can conduct. A High Judicial Council (HJC) maintained authority over most court operations. In each governorate there must be at least one conciliation court and a court of first instance that hears appeals from that conciliation court, and that has original jurisdiction of more serious cases. Legislation dictates that three courts of appeal sit in Gaza, Ramallah, and Jerusalem to review decisions of the first instance courts. In practice, there was no Jerusalem appeals court and the Ramallah court handles its responsibilities. There was also a High Court, officially designated as sitting in Jerusalem, but it meets in Ramallah and Gaza City. The High Court also served as the Constitutional Court until additional legislation establishes it as a separate court. The High Court also serves as the Court of Cassation and as an administrative court until administrative courts are established by legislation. Most of the changes required by the legislation started to take effect during the last year, and very limited resources and restriction of movement have hampered the transition.

The PA executive at times did not respect decisions of the courts, and the Palestinian security agencies did not always enforce their rulings (*see* Section 1.d.). In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues, but in recent years only the High State Security Court has functioned. A civilian judge who also sits on the Court of Appeals headed the High State Security Court. In most cases, three military judges presided over each case. Most of the judges were military officers but a civilian judge usually headed each panel of the High State Security Court. There was no right of appeal, but the PA president reviewed the court's findings, and he could confirm or reject its decisions. The PA Ministry of Justice had no jurisdiction over the state security courts, which were subordinate only to the Chairman. There was a separate Attorney General appointed by the Chairman to work with the state security courts. There were military courts to handle charges against members of the security forces, but during the year, they saw little if any activity.

The Gaza legal code is derived from Ottoman law, British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law, together with PA directives and laws, applied in the West Bank. Both sets of laws were modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation remained valid in both areas and were subject to review by the parties pursuant to specific procedure. The PA had passed many pieces of fundamental legislation that unify the Gaza and West Bank legal codes, but there was still a lack of unified legislation and regulations on many subjects. Human rights advocates stated that the PA's judiciary did not operate consistently. Judges stated they were hampered by their lack of information about decisions issued by other courts.

The court system in general was struggling to recover from years of neglect; most of the problems predated PA jurisdiction and were aggravated by lack of resources and attention since the PA assumed control of the courts. Judges and staff lacked sufficient resources and suffered from a lack of skills and training. In addition, closures, curfews, and the inability of PLC members to travel seriously impeded administrative functions and implementation of reform. Court procedures and record keeping were antiquated, although donor-funded activities started to improve some of the systems. The delivery of justice often was perceived as slow and uneven. The ability of the courts to obtain enforcement of their decisions was extremely weak. A heavy caseload even before the Intifada exacerbated these systemic problems. During the past 2 years, the revolving caseload reportedly increased by 50 to 60 percent (*see* Section 2.d.).

The High Judicial Council (HJC) slowly was gaining authority over judicial matters that formerly were administered by the PA Ministry of Justice. The 1998 Independence of the Judiciary Law created the HJC to enhance the judicial system and its independence. Arafat appointed an HJC by a decree issued in 2000 and published in 2001, giving it the powers it would have had if he had signed the judicial independence law. Arafat signed that particular law as well as the PA Basic Law on May 14, both of which pertained to the powers of the HJC. However, instead of appointing an HJC with the 9 members required by the judicial independence law, Arafat reappointed the same 11 members he appointed in 2000. Three of the HJC members were older than 70 years, the age limit contained in the law for HJC members, including its president. During the year, discussions continued within the PA about the membership of the HJC and the extent of control the laws give the Ministry over court operations, even as the HJC planned the budget for the judicial branch, supervised judicial operations in the West Bank and Gaza, and nominated more than 30 new judges for the Chairman's confirmation. Prior to this year, the Ministry of Justice appointed all civil judges for 10-year terms and supervised judicial operations.

The PA's state security courts failed to afford defendants due process. In theory these courts can apply procedures from the criminal procedures law or those specified in the Revolutionary Code. The PA usually ignored the legal limits on the length of prearrest detention of detainees suspected of security offenses. Defendants often were brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically were represented by court-appointed lawyers, who generally were members of the security services with valid law degrees, but who had not practiced trial law, or in some cases, any law, as part of their career. However, during the year there were more cases in which defendants chose their own lawyers. Court sessions often took place on short notice in the middle of the night, and the advocates were not always present. In some instances, security courts tried cases, issued verdicts, and imposed sentences in a single session lasting a few hours.

During the year, the state security courts sentenced 12 persons to death for collaboration with Israel in the killing of Palestinians. Defendants often were unable to obtain competent legal counsel or bring forward witnesses in their defense. All executions required approval from PA Chairman Arafat before they could be carried out, and he has not granted such permission since the execution of two Palestinians in 2001.

The state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to cases in which violations of state security allegedly occurred, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In 2000 Chairman Arafat decreed that "serious" crimes, including homicide, rape, and drug trafficking, be referred to state security courts. The decision prompted human rights organizations to issue statements requesting the abolition of state security courts and the referral of all cases to the regular civil courts.

There were no reports during the year that persons were convicted for their political beliefs. However, at year's end, a credible Palestinian prisoner rights organization estimated that the PA held at least 20 political prisoners, as well as approximately 250 Palestinians on charges of collaboration (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Israeli military authorities on many occasions entered private Palestinian homes and institutions without a warrant, citing security concerns. An officer of the rank of lieutenant colonel or above could authorize such action. In conducting searches, both in areas under Israeli control and during incursions into areas ostensibly under PA control, IDF personnel forcibly entered and in some cases, beat occupants and destroyed property.

Israeli forces arbitrarily destroyed or looted Palestinian property during military operations. During Operation Defensive Shield, which lasted from March 29 through April 21, numerous Palestinian Authority, NGO, and private offices were vandalized, damaged, and looted. Six Israeli soldiers were indicted for looting, of whom five were convicted and demoted and given prison sentences of up to five months. 20 other Israeli military police investigations were underway for violence, looting, and vandalism. Israeli authorities stated that forced entry may occur lawfully only when incident to an arrest and when entry was resisted. Authorities stated that beatings and arbitrary destruction of property during searches were punishable violations of military regulations and that compensation was due to victims in such cases. The Israeli government stated that it did not keep consolidated information regarding the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without any judicial review (see Section 1.g.). During the year, according to Israeli human rights organization B'tselem, Israeli forces demolished 112 homes as punishment for terror activity.

The IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF destroyed these groves or orchards for security reasons, stating that Palestinians had been shooting from those areas. Israel claimed that since the beginning of the Intifada it destroyed 5,500 dunams (1,223 acres) of orchards in Gaza and 4,500 dunams (1,000 acres) of cultivated and uncultivated land. However, the Palestinian Centre for Human Rights estimated that Israel razed 16,000 dunams (3,558 acres) of land in that period. The separation wall that Israel began to build this year in the West Bank was expected to divide 6,000 dunams of land from its Palestinian owners. Israel claimed that Regulation 119 of the Defence Emergency Regulations passed under the British mandate allows military commanders to destroy homes and property without judicial review if they suspect that they have been used for violent purposes.

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

PA security forces at times detained or placed under house arrest the relatives of alleged security criminals. For example, in 2001 the PA arrested and detained two brothers of the suspects in the killing of the Israeli Tourism Minister. The PA released them during the year (see Section 1.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Israeli security forces often used excessive force against Palestinians and others, in contravention of their official rules of engagement (see Section 1.a.). In 2001 the IDF stated that its actions and its rules of engagement were based on a legal framework, that it followed a policy of restraint and proportionality, and that to the extent possible, it avoided harming civilians.

IDF regulations permitted the use of rubber-coated metal bullets and live ammunition only when the life of the soldier or another person imminently was threatened, and no other means of defense is available, to apprehend a fleeing person suspected of having committed a dangerous offense who did not respond to warning calls and shots, and to disperse a violent demonstration or riot. A response to a violent demonstration must be in clear escalatory stages—first tear gas—then warning shots in the air, then rubber-coated steel bullets. IDF Open-Fire Regulations stated that, in apprehending a fleeing suspect, soldiers were to direct fire at the suspect's legs only. Soldiers were not permitted to fire at persons suspected of having committed only minor offenses, such as refusal to identify themselves or fleeing from security forces. Regulations prohibited security force members from opening fire in the direction of children or women, even in the case of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Firing on a suspicious vehicle at a checkpoint was permitted only when the soldiers at the site are in a clearly life-threatening situation.

The IDF killed or injured Palestinians or others in non life-threatening situations. IDF forces used lethal force against Palestinians throwing stones, even though IDF data indicated that there were no known cases in which an Israeli soldier on duty had ever been killed by stone-throwing during the Intifada (see Section 1.a.).

IDF fire killed or injured a number of innocent bystanders, including journalists and Palestinian civilians, when they fired into crowds at demonstrations (see Sections 1.a. and 2.a.). Palestinian medical groups estimated that approximately 10 percent of the injuries will result in permanent disabilities, and another 10 percent will require medical rehabilitation (see Section 5).

Israel obstructed the movement of and occasionally fired upon medical personal and ambulances. During the year, the PRCS stated that IDF soldiers and settlers committed 44 attacks against PRCS ambulances. The PRCS also reported that IDF soldiers and Israeli settlers injured 63 PRCS emergency personnel in attacks. The Government of Israel stated that it has ordered soldiers to refrain from interfering with the provision of medical services, and to allow ambulances and medical personnel to pass through checkpoints, and had provided this information to soldiers. The Government of Israel further stated that Palestinians had used ambulances to transport arms, and that soldiers must balance these security considerations with humanitarian concerns.

On January 27, a female Palestinian paramedic employed by the PRCS carried out a suicide bombing in central Jerusalem, killing herself and 1 Israeli while injur-

ing more than 100 others. It was not known whether she used her credentials as a paramedic to aid her access into Israel.

On March 4, an Israeli tank fired on a PCRS Ambulance in Jenin, killing the local head of the Emergency Medical Service.

On March 27, IDF soldiers stopped a PCRS Ambulance south of Ramallah and reported finding a wanted man and an explosive belt inside the vehicle. PCRS officials claimed the belt was planted in the ambulance.

During the Intifada, the IDF also used excessive force in responding to a number of incidents at checkpoints (*see* Section 1.a.).

Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. Since the beginning of the Intifada, IDF soldiers have ordered Palestinian civilians to enter buildings to check whether they were booby-trapped; to expel their occupants; to remove suspicious objects from the road; and to walk in front of soldiers to protect them from gunfire. For example, IDF officials acknowledged that on August 14, IDF soldiers in the West Bank village of Tubas forced 17-year-old Palestinian Nidal Abu M'khisian at gunpoint to approach a house containing a suspected terrorist and demand him to surrender. The Palestinian, Nasser Jarrar, subsequently shot and killed M'khisian, apparently thinking he was an IDF soldier. In August seven human rights organizations, including B'tselem, petitioned the Israeli High Court of Justice and obtained an injunction against the use of Palestinians as "shields" for Israeli forces. Israel admitted the use of such practices, in violation of existing procedures, and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, B'tselem reported that IDF soldiers instead could employ the "neighbor procedure," using consenting civilians to enter homes and buildings ahead of soldiers. Israel claimed that Palestinians who agreed without coercion to enter homes for the IDF were not being exploited. Human rights groups asserted that Palestinians who agreed to assist such operations often did so out of fear of the soldiers even if they are not directly coerced. Palestinians who took part in such operations without being harmed still faced the risk of being branded as collaborators and risked being attacked by other Palestinians.

Israel also placed civilians in danger by occupying Palestinian homes and using them as military bases, including at times, during operations designed to eliminate terrorist infrastructure. The occupation of the home turns it into a military target, and forcing residents to remain inside puts them in unnecessary danger. For example, on January 21 IDF forces raiding Tulkarm took over the house of Ali Tawfiq al-Shurati, made it a military position, and locked Ali's wife and five children in a ground floor apartment for 24 hours.

The IDF fired tank rounds, as well as rockets from helicopters and military aircraft, on targets in cities and towns in the West Bank and Gaza during operations undertaken in response to attacks on Israeli soldiers, settlers and other civilians (*see* Section 1.a.).

Israeli forces demolished the homes of the families and relatives of those convicted of or suspected of committing terror attacks, effectively punishing innocent Palestinians not implicated in the attacks. Israel's demolitions left hundreds of Palestinians not directly implicated in the attacks homeless. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. The numbers of such demolitions increased as Israel re-occupied areas previously under exclusive PA control and gained access to such homes.

Israel's extensive curfews on Palestinian towns punished entire innocent populations. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. The curfews affected every aspect of life for Palestinians, damaging livelihood and causing food shortages. During Operation Defensive Shield in March and April, 800,000 Palestinians were prevented from leaving their homes for 2 weeks. The village of al-Walaja remained under constant curfew from April 2 to May 10. During the start of Operation Determined Path, which was ongoing at the end of the year, extensive curfews were still in place. For example, the city of Nablus was under curfew for 96.5 percent of time from June 18 to September, according to a report by the World Bank. All major Palestinian cities were also under curfew at varying times during this period. Qalqilya, which experienced the least curfew hours of major Palestinian cities during this period, was under curfew for 40.2 percent of the time. The Israeli government's sustained imposition of internal and external closures and curfews in the West Bank and Gaza during the year severely impacted Palestinian society and economy, contributing to shortages of basic food, water, and the provision of medical care and supplies.

The external and internal closures contributed to increased unemployment and poverty in the occupied territories. Approximately 125,000 West Bank and Gaza workers, representing roughly 20 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. The closures on Palestinian cities and towns also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. Closures and the destruction of large swathes of Palestinian-owned agricultural land and economic infrastructure by the IDF and settlers, contributed to an adjusted unemployment rate of approximately 44 percent. Closures particularly isolated and hurt the roughly 200,000 Palestinians who lived in rural villages. Rural villages rarely were self-sustaining communities and did not have the full range of services—such as medical care, education, or municipal provision of water—that larger urban areas had, increasing their isolation when community members were not able to travel outside the area to obtain access to services and provisions. Other rural villages under full Israeli control were further isolated from major Palestinian population centers.

The ICRC and various medical organizations stated that the prolonged closure of Palestinian cities significantly obstructed the delivery of medical care and prevented patients from passing through checkpoints, in some cases even when urgent treatment was critical to life and death. Since the beginning of the Intifada at least 34 persons died as a result of delays in, or prohibition from, crossing checkpoints to reach medical care. During the year, 12 died because of such delays. The closures made it impossible for most patients living outside large cities who need repeated medical treatment, such as dialysis or physical therapy, to reach medical centers on a regular basis. The PRCS stated that more than one-third of Palestinians who were injured in the Intifada required some type of physical rehabilitation and at least ten percent have permanent disabilities. Medical professionals noted that many Palestinians delayed all but emergency medical care because of the restrictions and economic conditions. Preventative treatment, such as vaccinations, antenatal and postnatal care, and family planning in most cases were postponed; and the number of births at home, in ambulances, and at checkpoints increased significantly. Medical observers noted that as the Intifada continued, the negative consequences would continue to have a significant impact on public health.

On January 21, Ra'ed Sabri Ibrahim Sruji, a 46-year-old Palestinian from the Tulkarm refugee camp and a diabetes patient suffering from kidney failure, was on his way to the hospital in Nablus when the ambulance he was in was detained at the Deir Sharaf checkpoint for 3 hours. He died due to lack of prompt treatment.

Closures and curfews also have affected the provision of emergency medical care. Israeli security services stopped and searched all ambulances at each checkpoint, which frequently added life-threatening delays in reaching hospitals, due to the fact that some had to use substandard local roads when denied access through any of the checkpoints. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures, which contributed to at least 14 deaths. The PCRS reported that its average response time to emergency calls in "outer city" areas is 40 to 50 minutes, compared to a past average of 10–15 minutes. The PCRS also reported that Israel denied it access to outer city areas altogether 70 percent of the time.

Israeli soldiers frequently harassed and abused Palestinian emergency services staff at the checkpoints (*see* Section 1.c.). The closures also significantly impeded the ability of medical staff to reach work.

Israel regularly transferred Palestinians arrested in the occupied territories to prisons and detention facilities in Israel (*see* Section 1.d.).

Palestinian terrorist groups used minors to prepare attacks or carry them out. These youths were recruited to throw pipe bombs, plant explosives, and carry out suicide attacks.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Israeli government generally respected freedom of speech in some areas in the occupied territories; however, it imposed censorship and prohibited public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Three journalists covering clashes between Palestinians and Israeli security forces, including some who were clearly identified as non-combatants, were killed by IDF fire and at least five others were injured. IDF soldiers routinely harassed and occasionally detained Palestinian and other journalists covering stories in the West Bank and Gaza. Israel frequently denied journalists travel permits and revoked or delayed issuing press credentials, all of which amounted to de facto censorship. The IDF moderately to extensively damaged radio and television stations and newspaper offices in Ramallah during the Israeli incursion in March and April. During the year, Israel raided a newspaper's premises.

During the year, the Israeli government continued to enforce selectively its standing prohibition on the display in Jerusalem of Palestinian political symbols, such as flags, national colors, and graffiti. Such displays were punishable by fines or imprisonment. Israeli enforcement of existing censorship regulations remained stringent regarding press coverage of the Intifada. Israeli authorities monitored Arabic newspapers based in East Jerusalem for security-related issues, and newspapers sometimes were ordered to halt publication of stories about the security situation until the information first appeared in the Israeli media. Military censors reviewed Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists were subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists was monitored. In periods of heightened security, the Israeli government often closed areas to journalists when it imposed a curfew or closure. Israeli authorities denied entry permits to Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories, and the journalists had difficulty renewing their Israeli issued press credentials (*see* Section 2.d.).

The IDF required a permit for Palestinian publications sold in areas of the occupied territories under its control. Publications may be censored or banned for content considered anti-Semitic or anti-Israeli. Possession of banned materials was punishable by a fine and imprisonment. The Israeli government prohibited the delivery and distribution of publications, including newspapers, in the Gaza Strip on the Jewish holiday of Yom Kippur (when import of any item is prohibited) and on numerous other occasions when the closure of the Gaza Strip was particularly tight. On several occasions during the year, usually following terrorist incidents, the Israelis banned Palestinian daily newspapers from entering Gaza. However, during such periods, Israeli newspapers were allowed into Gaza. During internal closures, the Israeli government also occasionally blocked the delivery of Palestinian daily newspapers to Palestinian cities in the West Bank.

Israeli soldiers sought out and destroyed Palestinian media outlets during operations in the West Bank. Most local Palestinian radio and television stations went off the air or scaled back their broadcasts because of damage done by the Israeli army. On January 19, the IDF detonated explosives in the main building of the Palestinian Broadcasting Corporation (PBC) in Ramallah, severely damaging the building and destroying equipment. The Israeli government singled out PBC for broadcasting material deemed to be anti-Semitic or that incited violence. On April 2, Israeli soldiers took over the building housing al-Quds Educational Television in Ramallah and occupied it for 20 days, during which they destroyed a studio, cameras, computers, videos and satellite receivers, and sprayed graffiti on the walls.

Israel also harassed Palestinian media organizations. In April IDF soldiers occupied the broadcasting station of a Palestinian cable outlet in Ramallah, interrupted its broadcasting, and transmitted pornography to area residents. On October 6, Israeli forces raided the facilities of al-Ayyam newspaper in Ramallah. The newspaper reported that Israeli forces stormed the building after midnight, forced all employees into one room and searched the premises for 2 hours.

During the year, three journalists were killed. On March 13, Israeli gunfire killed Raffaele Ciriello, special correspondent in Ramallah of the Italian daily *Corriere della Sera*. On July 12, in Jenin, Israeli gunfire killed Palestinian photographer Imad Abu Zarha. On August 23, the Israeli army denied all responsibility, stating that there was no proof of any firing at the journalists. Journalist and press groups rejected Israeli claims. On September 21, Voice of Palestine journalist Issam Hamza Tillawi was shot in the back of the head as he was reporting on a Palestinian demonstration in Ramallah.

On September 25, the Paris-based organization Reporters Sans Frontieres (RSF) released a statement expressing concern over journalists injured by Israeli forces. The organization noted 46 cases of journalists who had been injured by gunfire, nearly all from Israeli sources since the beginning of the Intifada. Several of those shot, mostly Palestinians, were seriously injured, even though some were clearly identifiable as journalists and standing apart from clashes when hit (*see* Section 1.g.).

Israel confiscated journalists' press cards and equipment on several occasions. On April 6, Israeli authorities deported Jasim Azzawi of Abu Dhabi Television, who was on a special assignment. Azzawi, who is an American citizen, filed an affidavit on April 4 at the U.S. Consulate in Jerusalem stating that he was summoned to the Israeli government Press Office and was told that the Prime Minister's office decided to revoke his press credentials and expel him for alleged inflammatory reporting. On April 9, Israeli troops in Bethlehem threatened TV Tokyo reporter Yuzuru Saito and confiscated a tape from his cameraman and from French cameraman Vincent Benhamou.

On several occasions, Israel detained and questioned journalists. On April 24, Israeli troops in the West Bank detained Reuters cameraman Mazen Da'na and Hussam Abu Allan, a photographer for Agence-France Presse.

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services closed media outlets, banned publications or broadcasts, and periodically harassed or detained members of the media (*see* Section 1.d.). Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship.

On August 27, the PA supported the Palestinian Journalists' Syndicate in the Gaza Strip to bar journalists from photographing Palestinian children wearing military uniforms and carrying weapons.

On April 1, Palestinians threatened journalists working for the Associated Press, Reuters, and Palestine TV in Bethlehem and forced them to hand over footage, shot the night before, of the body of an alleged Palestinian collaborator who had been shot in a parking lot.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids.

In addition to the official Palestinian Broadcast Corporation television and radio, also known as Voice of Palestine, there were approximately 20 independently owned television stations and 9 radio stations in the West Bank.

The Internet was available widely.

Israeli-imposed closures, curfews, and military actions severely restricted academic freedom by disrupting the operations of West Bank and Gaza schools, colleges, and universities during the year. Students and staff at all educational levels had difficulty traveling to and from educational facilities because most areas were under some form of internal closure for the entire year. In addition, Israeli forces imposed curfews on many Palestinian areas, some for 24 hours a day, for extended periods (*see* Sections 2.d. and 5). Students from Gaza were unable to reach West Bank universities since early October 2000, when Israel closed the safe passage route between Gaza and the West Bank. Both Bir Zeit University in Ramallah and An-Najah University in Nablus were unable to open for the fall semester: Bir Zeit due in large part to a roadblock preventing access to the school, and An-Najah due to an almost continuous curfew in Nablus since midsummer. Israeli shelling and gunfire during military operations consequently damaged a number of schools in the West Bank and Gaza.

In March, the IDF relocated a roadblock in al-Khader village blocking access to the Hope Flowers School. Hope Flowers was the only Palestinian school in the West Bank that employed a curriculum emphasizing democracy and coexistence. After repeated requests by foreign governments and other interested parties, Israel repositioned the roadblock to facilitate access to the school. The sniper position that overlooked the roadblock remained in place at year's end.

The PA generally had authority over all levels of education in the West Bank and Gaza Strip, and it controlled the budgets of all public colleges. During the year, the PA did not interfere with education in the West Bank and Gaza Strip.

b. Freedom of Peaceful Assembly and Association.—The Israeli government placed severe limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (*see* Section 2.d.). Israeli military orders banned public gatherings of 10 or more persons without a permit. After the 1993 signing of the Declaration of Principles, Israel relaxed enforcement of this rule, except in cases of Palestinian demonstrations against land seizures or settlement expansions. However, extensive curfews during the year made assembly of any kind impossible in most major Palestinian cities. Those Palestinians who chose to take part in even peaceful demonstrations often did so only by breaking curfew restrictions and IDF prohibitions against demonstrations.

Israeli security forces killed scores of Palestinians and injured several thousand during demonstrations and other often violent clashes (*see* Sections 1.a. and 1.c.). The Israeli and Palestinian authorities regularly disputed whether Palestinians fired at security forces during such demonstrations. The PA and individual Palestinians stated that Israeli security forces often resorted to live fire even when Palestinian did not shoot at them first. In 2001 the IDF changed its definition of "life-threatening" situations to include stone-throwing in some cases.

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza police approval was required for political meetings at several specific large meeting halls. Written permission also was required for buses to transport passengers to attend political meetings. In West Bank cities, the PA

required permits for outdoor rallies and demonstrations and prohibited calls for violence, displays of arms, and racist slogans, although this rarely was enforced.

The Israeli government placed severe restrictions on freedom of association in East Jerusalem. In 2001 Israeli forces closed Orient House, the preeminent Palestinian political institution in Jerusalem, and consequently other East Jerusalem institutions located in Orient House, including: The Chamber of Commerce, the Land Research Center, the Higher Council for Tourism, a women's center, a prisoner's rights society, and a historical preservation group. The Israeli police arrested a number of Palestinians and foreign nationals during protests calling for the reopening of Orient House. The closings were part of the Government's response to a suicide bombing in Jerusalem; the Government stated that it closed Orient House because it was engaged in political activity in violation of the Interim Agreement. At year's end, Orient House remained closed.

On February 6, the Israeli police closed the Multi-Sectoral Review Project, an EU-funded project dedicated to surveying development needs in East Jerusalem. Israel claimed that the project was linked to the PA, which was not permitted a presence in East Jerusalem under the terms of the Oslo Agreement. The same day, police closed the Land Research Center. On June 5, the police closed the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce. On July 9, police closed the office of Al-Quds University President Sari Nusseibeh; Nusseibeh was able to reopen his office a few days later after signing a pledge to not use his office for activities relating to his separate role as PLO Political Commissioner for Jerusalem Affairs. On September 20, the Israeli police closed the offices of the Jerusalem Cultural Association and the Union of Sports Clubs.

The PA placed some limits on freedom of association; however, the PA permitted Palestinian charitable, community, professional, and self-help organizations to operate.

The armed wings of HAMAS, PIJ, and other Palestinian opposition groups remained outlawed. While it was not illegal to belong to other components of these groups, during times of heightened security, the PA detained members of these other components (*see* Section 1.d.).

c. Freedom of Religion.—Israeli law provides for freedom of worship, and the Government generally respected this right in practice in the occupied territories. Israel did not ban any group on religious grounds, and permitted all faiths to operate schools and institutions.

Religious publications in East Jerusalem were subject to the Publications Laws, including prohibition against the publication of sermons that incite violence against Israelis or against the State of Israel. However, Israel's imposed closure of the West Bank and Gaza, including the internal closure that severely restricted travel between towns and cities within the occupied territories, significantly impeded freedom of worship for Muslims and Christians. Israeli closure policies prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays such as Ramadan, Christmas, and Easter. On numerous occasions, the Israeli government prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif. The Israeli government stated that such actions were necessary for security reasons.

During the year, the Government of Israel's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. In March 2001, the Israeli government pledged to create a "hot line" to facilitate the movement of clerics through checkpoints; however, at year's end, it had not done so. In previous years, several clergymen reported that they were subject to harassment at checkpoints.

The PA has no law that specifically protects religious freedom; however, the PA generally respected religious freedom in practice.

The PA required individuals to be at least nominally affiliated with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts. Islam is the *de facto* official religion of the PA, and its Islamic institutions and places of worship received preferential treatment. The PA had a Ministry of Waqf and Religious Affairs that paid for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provided some Christian clergymen and Christian charitable organizations with limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories.

The PA required that religion be taught in PA schools. There were separate classes for Muslim and Christian students. In 2001 the PA implemented a compulsory curriculum that required the study of Christianity for Christian students in grades one through six.

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

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—During the year, the Israeli government severely restricted freedom of movement for Palestinians, in response to the continuing violence of the Intifada. During the year, most Palestinians from the West Bank and Gaza were prohibited from entering Israel, and the IDF instituted a massive network of checkpoints and roadblocks across the occupied territories, which impeded the movement of people and goods between Palestinian cities, villages, and towns. Numerous cities were placed under strict curfews that ran for weeks and even months. During the year, the restrictions on movement were the most severe that Israel had imposed since it occupied East Jerusalem, the West Bank, and Gaza in 1967.

Since March 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denied applicants permits with no explanation and did not allow effective means of appeal. Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, regularly have been subjected to long delays and searches at Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by the Israeli government. During the year, this practice increased markedly, severely restricting PA officials from conducting administrative functions and implementing reform.

Even in periods before the Intifada, Palestinians in the West Bank and Gaza Strip found it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Israeli authorities permitted only a small number of Gazans to bring vehicles into Israel and sometimes did not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, Palestinians of all ages crossing between the Gaza Strip and Israel were not permitted to travel by automobile across the main checkpoint. Instead they were forced to travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip were permitted to use their automobile. Israeli regulations prohibited Palestinian residents of Jerusalem from entering the West Bank, although this ban only intermittently was enforced. Israeli authorities also required that these Palestinian residents provide written notice to the Israeli government if they intended to travel to the Gaza Strip; however, provision of such notice did not ensure that the Government would permit the travel.

Since 1993 Israel applied varying levels of “closure,” or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to Palestinian terrorist attacks and other changing security conditions. The Government of Israel imposed a tightened version of closure, called “comprehensive, external closure” during periods of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest. Comprehensive closures also were instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, the Israel government cancelled travel permits and prevented Palestinians—even those with valid work permits—from entering Israel or Jerusalem. During comprehensive closures, the authorities severely restricted the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. Due to the ongoing unrest, Israel imposed strict and consistent external closure throughout the year, compared with 210 days in 2001 and 88 days in 2000.

During periods of unrest in the West Bank and Gaza, in the aftermath of terrorist attacks, or during military exercises, the Israeli government prohibited travel between towns and villages within the West Bank. These “internal” closures cut off the flow of goods, including food and fuel, and restricted the movement of persons. During the year, Israel expanded internal closures further, sometimes in response to specific acts of violence and sometimes as a preventive measure imposed on entire cities and towns. The internal closures were even more severe when Palestinians were prohibited from using primary roads and physical barricades close off many secondary roads.

The Israeli government further constrained the movement of Palestinians and goods in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Gaza Airport and the Allenby and Rafah crossing points to Jordan and Egypt. Israel also consistently imposed curfews in some areas, often for extended periods. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions.

The prolonged closures and curfews imposed by the Government of Israel on Palestinian cities and towns during the year had a severely negative impact on every

sector of the Palestinian economy. They impeded Palestinians from reaching jobs or markets and disrupted internal and external trade (*see* Section 1.g.).

The prolonged closure also seriously impacted students' ability to attend school and university (*see* Sections 2.a. and 5.). The Government of Israel stated that they were necessary security measures (*see* Section 1.g.).

Israel carried out policies of strict curfews and closures that directly punished innocent civilians. The IDF delayed or prohibited ambulances from crossing checkpoints (*see* Section 1.g.). In 1998 the Israeli government established a "continuous employment program" that allowed selected Palestinian workers who were approved by the Ministry of Defense, married, over 28-years-old, and worked in Israel for a long period of time, to enter Israel to work even in the event of a tightened closure. During the year, the program was not implemented.

The Israeli government required all Palestinian residents to obtain permits for foreign travel and restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process.

Palestinians who live in East Jerusalem, which Israel occupied during the 1967 War, generally have chosen not to accept Israeli citizenship, choosing instead to seek a residence permit or Jerusalem identification card. Israel applied the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. The law stipulates that a Jerusalem resident loses the right of residence if he or she leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Government of Israel government does not apply these same restrictions to Israeli citizens.

In 2000 the Israeli Ministry of Interior published new instructions regarding residency rights in Jerusalem. According to these instructions, residents of Israel whose identity cards had been revoked since 1995 and who returned to live in Israel since 1998 and had maintained "an appropriate connection" were entitled to restoration of their identity cards. Although the new guidelines still permitted the revocation of residency in cases in which East Jerusalem Palestinians obtained new citizenship or residency rights while living abroad, human rights groups reported a significant reduction in such revocations.

Israeli authorities also placed restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who lost their residence permits for other reasons since then, were not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experienced difficulty in obtaining permission to reside with their family members. For example, a Palestinian with a West Bank identification card must apply to the Government of Israel for permission to live with his or her Jerusalem-resident spouse in Jerusalem. In May the Israeli Knesset declared a freeze on providing residency permits. At year's end, the freeze remained in effect. Palestinians reported delays of several years or more before spouses were granted residency permits. The Government of Israel occasionally issued limited-duration permits, which must be renewed. Renewing the permits may take up to 8 months, a common delay that resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities. In practice women with Jerusalem residence rights found it more difficult to obtain permission for their spouses to reside in Jerusalem than did men, since Israeli security authorities considered Palestinian males to be greater security risks.

The PA issued passports and identification cards for Palestinians who resided in the West Bank and Gaza, and the Israeli government required residents of the West Bank and Gaza to use their Palestinian passports to exit and enter Israel. Bearers of Palestinian passports did not need special exit permits from the PA; however, when leaving the area via Ben Gurion Airport, the Israeli government required Palestinians to obtain permits to transit Israel to reach the airport. Since 2001 Israeli authorities rarely granted these requests except in humanitarian or special interest cases. Without this permit, travelers must depart via land crossings and may experience delays lasting days or weeks. Palestinian residents of the West Bank and Gaza were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians could exit and enter the West Bank and Gaza only via the Allenby Bridge or Rafah crossing points, which were closed completely several times during the year. Internal closures made it difficult for Palestinians to reach even these crossing points and begin the wait at the border.

Palestinians who held Jerusalem identification cards, issued by the Israeli government, must obtain special travel documents from the Israeli government to travel abroad. Human rights groups reported that Palestinian residents of East Jerusalem

often did not apply for Israeli travel documents because they feared that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards.

Upon request the Jordanian government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. The Israeli authorities also required that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which they must purchase from the Ministry of Interior. Restrictions on residency, reentry, and family reunification only applied to Palestinian residents of the occupied territories.

The PA generally did not restrict freedom of movement.

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

In 1996 Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in elections that generally were free and fair; the 88-member Palestinian Legislative Council and Chairman of the Executive Authority were elected. PLO Chairman Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Approximately 700 candidates competed for Council seats. Voters elected Council members to multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as generally free and fair, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council stated that it lacked power in relation to the executive branch. In September Arafat issued a decree setting January 20, 2003 as the date for elections for Ra'is and the Legislative Council.

The last municipal elections in the West Bank and Gaza took place in 1996, and in September PA officials announced that new elections will be held in March 2003. Incumbent municipal officials serve until the following elections. In the case of the death or resignation of an incumbent, the Ministry of Local government appoints a replacement, with the approval of the PA Chairman.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the Israeli municipality of Jerusalem. While all Palestinians with residency permits are eligible, only a very small percentage of Jerusalem's Palestinian population voted in the municipal council elections. There were no Palestinian residents of Jerusalem on the city council. There were 5 women on the 88-member Council, and 1 woman served in a ministerial-level position.

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

During the year, Israel obstructed the movement and activity of human rights monitors and NGO workers by imposing strict internal and external closures. In many cases, such groups refused to apply for special travel permits in order to protest Israel's regulation of their activities. Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli government's human rights practices in the occupied territories. Some of these organizations were critical of the Israeli government's practices and cooperation. The Israeli government permitted human rights groups to publish and hold press conferences.

The U.N. Relief and Works Agency (UNRWA) reported increased delays for its personnel and vehicles at checkpoints. Other humanitarian groups, such as PRCS, faced similar problems.

During their 2001 seizure of the Orient House, Israeli security officials confiscated office equipment, as well as documents belonging to the organization and other Palestinian groups in Jerusalem. At year's end, the Government of Israel still had not provided representatives of the Orient House a full accounting of the documents and property seized and Orient House remained closed (*see* Section 2.b.).

Local human rights groups, most of which were Palestinian, and several international organizations monitored the PA's human rights practices. PA officials usually met with their representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the Intifada, with several NGOs voluntarily deciding to focus their efforts on the Palestinian struggle for basic rights and defer comprehensive critiques of the PA's human rights performance. During the year, human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year (*see* Section 1.d.). Observers noted that documentation of abuses was very limited because victims were hesitant to file or make public claims of abuse against PA authorities.

From April 27 to May 6, the Government of Israel permitted the International Labor Organization (ILO) to visit the occupied territories, in a period of heightened tension, to assess worker rights and the economic situation. The ILO released a report documenting the “socioeconomic meltdown” in the occupied territories and the humanitarian and economic crisis of the Palestinians as a result of Israeli closures, curfews, and military actions. The report also emphasized the sense of “insecurity in Israel due to suicide bombings” and the impact on the Israeli economy.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, appointed officials to act as liaisons with human rights groups. These officers met with human rights organizations and members of the diplomatic community to discuss human rights cases.

The ICRC operated in the West Bank and Gaza under the terms of 1996 memorandum of understanding between the ICRC and the PLO. Other human rights groups, including the Palestinian Independent Commission for Citizens’ Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some human rights and international humanitarian organizations reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA’s policies toward and treatment of collaborators and members of Islamist opposition groups than to queries on other detainees (see Sections 1.c. and 1.d.).

In 2000 Chairman Arafat approved the NGO law, which had been passed by the PLC in 1998, and which governs the activities of NGOs and their relations with the PA. The PA issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications. The remaining applications still were under review at year’s end. In a June government reshuffle, the PA Ministry of NGOs was downgraded to an agency (see Section 2.d.).

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

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians were disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This included discrimination in residency and land use.

In the Palestinian territories, homosexuals were persecuted by both the public and by PA security officers. Homosexuals were subject to harassment and physical abuse, and some were arrested. Several Palestinians alleged that PA security officers tortured them because of their sexual orientation.

Women.—The law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that domestic violence increased during the Intifada.

The problems of rape, domestic violence, and violence related to “family honor” gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women’s groups; however, public discussion generally remained muted. The crimes almost exclusively were tied to alleged sexual interactions of female family members with men who were not their husbands. This could include rape, a sexual encounter with any man except a woman’s husband, or being seen alone with a male who was not her family member. Honor crimes resulted when family members beat or killed women in response to such alleged violations of their family’s honor. Victims of violence often were encouraged by relatives to remain quiet and were punished themselves or blamed for the “shame” that had been brought upon them and their families. Women’s groups sought to educate women on these problems, but women’s rights advocates stated that few resources were available to shelter the victims of violence because women’s shelters are not accepted culturally in Palestinian society. Activists also maintained that society was not receptive to providing counseling or outreach services to victims of violence, which these advocates saw as more widespread than was acknowledged. According to women’s groups, there was no reliable data on the incidence of violence against women.

Spousal abuse, sexual abuse, and “honor killings” occurred, but societal pressures prevented most incidents from being reported and most cases were handled within the families concerned, usually by male family members. However, there were increasing anecdotal reports from women’s and humanitarian groups that the incidence of domestic abuse rose significantly during the year.

Rape is illegal and spousal rape is not explicitly prohibited. During the year, there were no figures available regarding the extent of the problem.

Palestinian women endured various forms of social prejudice and repression within their own society. Due to early marriages, some girls, especially in rural areas, did not finish the mandatory level of schooling. Cultural restrictions occasionally prevented women from attending colleges and universities. Women who married outside of their faith, particularly Christian women who married Muslim men, often

were disowned by their families and sometimes were harassed and threatened with death by members of their community. Local officials sometimes attempted to convince such women to leave their communities in order to protect themselves.

Before the Intifada began in 2000, a growing number of Palestinian women worked outside the home, where they often encountered discrimination and occasionally experienced sexual harassment. There were no special laws that provide for women's rights in the workplace. Women were underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who were prominent in politics, medicine, law, teaching, and NGOs, women for the most part were seriously underrepresented in the decision-making positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law). The varied ecclesiastical courts ruled on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women inherit less than male members of the family. The marriage law allows men to take more than one wife, although few did so. Women were permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody; however, only an estimated 1 percent of women took advantage of this provision, leaving most women at a disadvantage in the areas of divorce or child custody. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

While there was an active women's movement in the West Bank, serious attention has shifted only recently from nationalist aspirations to issues that greatly affected women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance.

Children.—The PA provides for compulsory education through the ninth grade, when children usually reach 15 years of age. However, early marriage in certain sectors of society at times prevented girls from completing the mandatory level of schooling. Especially in rural areas and refugee camps, boys often left school before they reached the mandatory age in order to help support their families.

The internal closure across the occupied territories and extended periods of curfew in most major cities significantly impeded the ability of both students and teachers to reach educational facilities (*see* Sections 2.a. and 2.d.). In areas under curfew, all classes were cancelled.

Numerous education and health care professionals acknowledged that students were badly affected by the violent security situation, which interfered with learning and manifested itself in lack of focus, nightmares, daytime and nighttime incontinence, and other behavioral problems. Closures and curfews impeded school attendance and UNRWA reported that 72,000 teacher workdays were lost in the 2001–02 academic year. UNRWA reported that test scores in its West Bank and Gaza schools dropped dramatically, and dropout rates rose for the first time in a decade.

The PA Ministry of Health provided for children's immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee.

Child abuse is not prohibited explicitly by law. Abuse existed but was not a widespread problem. Parents or families that failed to protect children from abuse may be penalized by law. PA courts may provide protections for children in "difficult situations," including cases of neglect or abuse. The Ministry of Social Affairs may intervene by bringing a case before a court, which would decide how to best protect the child. The judge may decide to place a child in an official protective institution, or with an alternate family. There was one protective institution for children in Gaza and one in the West Bank.

British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offered protection to children under the Penal Code and a new Labor Code passed and published during the year. The new Labor Code set a higher minimum age for any employment of children. No children 14 or under can work, and children aged 15–18 could be employed only for certain types of work and under certain conditions (*see* Section 6.d.). While there was no juvenile court system, judges specializing in children's cases generally adjudicated on juvenile cases. In cases in which the child was the victim, judges had the discretion to remove the child from a situation considered harmful. However, the system was not sophisticated in the protection it afforded children.

Palestinians living in East Jerusalem continued to be discriminated against in terms of their access to municipal services, compared to other residents of Jerusalem. According to the Association for Civil Rights in Israel, the Government of Israel and the municipality have not kept their pledge to the High Court to build three new infant-care clinics in East Jerusalem. In addition East Jerusalem schools remained underfunded and overcrowded, and many students were denied an edu-

cation in public schools due to lack of space. In 2001 the Government agreed to build 245 new classrooms within the next 4 years in order to alleviate this problem; however, no funds were budgeted for that purpose. This year's budget included enough funds for 60 new classrooms.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted the rights and welfare of children in the occupied territories. There also were numerous Palestinian social welfare organizations that focused on developing and providing educational, medical, and cultural services to children. A number of other groups specialized in addressing the needs of children with disabilities.

Persons with Disabilities.—There was no mandated accessibility to public facilities in the occupied territories under either Israeli law or Palestinian authority. Many Palestinians with disabilities were segregated and isolated from Palestinian society; they were discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities. There were approximately 130,000 Palestinians with disabilities in the West Bank and Gaza prior to the outbreak of the current Intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 21,000 Palestinians injured in the Intifada will have permanent disabilities.

Some Palestinian institutions cared for and trained persons with disabilities; however, their efforts consistently were under-funded.

Section 6. Worker Rights

a. The Right of Association.—Labor affairs in the West Bank and Gaza came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. During the year, labor affairs in the West Bank were governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. In 2001 Arafat signed a labor law that took effect in January; however, it has faced strong resistance from the Palestinian business community. The Palestinian law permits workers to establish and join unions without government authorization. The previous Israeli requirement that all proposed West Bank unions apply for a permit no longer was enforced. Following a process to consolidate trade unions in the West Bank, there were 12 trade unions. Four trade unions were in Gaza. During the year, no unions were dissolved by administrative or legislative action.

Israeli labor law governs Palestinian workers in Jerusalem. They were free to establish their own unions. Although the Israeli government restricted unions in Jerusalem from joining West Bank trade union federations, this restriction was not enforced. Individual Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions were not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who worked in Israel or Jerusalem were not full members of Histadrut, but they were required to contribute 1 percent of their wages to Histadrut. Their partial membership entitled them to limited benefits, including compensation in the case of on-the-job injuries, maternity leave, and compensation in the case the employer declares bankruptcy. (Full members of Histadrut also received health insurance, social security benefits, pensions, and unemployment benefits.) Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred. Palestinians from the occupied territories who worked in Israel were not permitted to join Israeli trade unions or to organize their own in Israel.

The great majority of West Bank and Gaza unions belonged to the Palestinian General Federation of Trade Unions (PGFTU), an estimated 95,000 to 100,000 workers in the West Bank were members of the PGFTU, the largest union bloc, which consisted of 12 trade unions in the West Bank and 8 in Gaza. The organization had approximately 46,500 members in Gaza. The PGFTU estimated that actual organized membership of dues-paying members, included approximately 75 percent of all Palestinian workers. The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU was intended to enable the West Bank and Gaza unions to better represent the union members' interests.

Palestinian unions that seek to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken, such as a fine. There are no laws in the occupied territories that specifically protect the rights of striking workers. In practice such workers had little

or no protection from an employer's retribution. During the year, there were no reported labor strikes.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member.

b. The Right to Organize and Bargain Collectively.—A majority of workers in the occupied territories were self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the occupied territories historically has consisted of wage jobs. Most of this employment has been through the U.N. Relief and Works Agency (UNRWA), the PA, or municipalities. Collective bargaining was protected. Committees of 3 to 5 members adjudicated Labor disputes in businesses employing more than 20 workers. The PGFTU reported one strike during the year. Existing laws and regulations do not offer real protection against antiunion discrimination.

There were no export processing zones in the occupied territories, although the Gaza Industrial Estate did enjoy free trade access to foreign markets. Israeli closures and curfews impeded the right to organize and bargain collectively.

c. Prohibition of Forced or Bonded Labor.—PA law does not prohibit specifically forced or bonded labor, including forced and bonded labor by children, and during the year there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age in the West Bank and Gaza is 15 years, and there are special limits governing the conditions of employment for juveniles between 15 and 18 years, including prohibitions against working at night, under conditions of hard labor, or in jobs that require them to travel outside their area of domicile. However, in practice many Palestinian children under the age of 15 were engaged in some form of work. Most such employment was believed to involve work on family farms and in family shops, or as urban street vendors. Some employment of children also reportedly occurred in small manufacturing enterprises, such as shoe and textile factories. The PA's capacity to enforce existing labor laws was limited. It had only 40 labor inspectors to inspect an estimated 65,000 enterprises. The ILO and UNICEF were working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws.

e. Acceptable Conditions of Work.—There was no minimum wage in the West Bank or Gaza Strip. Prior to the outbreak of the Intifada in 2000, which severely disrupted employment patterns for the majority of working Palestinians, the average wage for full-time workers appeared to provide a worker and family with a decent standard of living. The majority of Palestinians currently were unemployed or underemployed and the standard of living has dropped dramatically over the last 2 years. The dependency ratio increased more than 50 percent since the start of the Intifada. In 2000 one Palestinian supported 4.3 persons in the West Bank and 5.9 persons in Gaza. During the year, those figures reached 6.9 persons and 9.4 persons, respectively. As wage earners were forced to support 50 percent more persons, the standard of living seriously deteriorated.

In the West Bank, the normal workweek was 48 hours in most areas; in Gaza, the workweek was 45 hours for day laborers and 40 hours for salaried employees. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry's ability to enforce the standard was limited due to lack of resources for inspections and other constraints; however, it carried out inspections. The Ministry reported that closures, curfews, and ongoing Israeli military operations further limited its ability to carry out inspections. The Ministry of Labor stated that new factories and workplaces met international health and safety standards, but that older ones failed to meet such standards. There was no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

Like all Israeli workers, Palestinians who worked in Israel were required to contribute to the National Insurance Institute (NII), which provided unemployment insurance and other benefits. Palestinians from the West Bank and Gaza were eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians who worked in Israel and Jerusalem benefit from NII in cases of injuries that occurred in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There were outstanding cases of Palestinian workers who attempted to sue their Israeli employers for non-payment of wages but were unable to travel to the relevant courts because they were unable to receive the proper permits.

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

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein since the death of his father, King Hussein bin Talal. The Constitution concentrates a high degree of executive and legislative authority in the King, who determines domestic and foreign policy. In the King's absence, a regent, whose authority is outlined in the Constitution, assumes many of the King's responsibilities. The Prime Minister and other members of the Cabinet are appointed by the King and manage the daily affairs of the Government. The Parliament consists of the 40-member Senate, appointed by the King, and a lower house, the Chamber of Deputies which is elected every 4 years. The lower house exerts influence only intermittently on domestic and foreign policy issues. The 1997 parliamentary elections were marred by reports of registration irregularities, fraud, and restrictions on the press and on campaign materials. The King dissolved Parliament in June 2001 and subsequently postponed elections until spring 2003. A new election law enacted by the Government in July 2001 increased the size of the lower house from 80 seats to 104. According to the Constitution, the judiciary is independent, and the Government took steps in 2001 to strengthen the judiciary's administrative independence. However, in practice, it remained susceptible to political pressure and interference by the executive.

General police functions were the responsibility of the Public Security Directorate (PSD). The PSD, the General Intelligence Directorate (GID), and the military shared responsibility for maintaining internal security, and had authority to monitor the activities of persons believed to be security threats. Elements of the security forces continued to commit human rights abuses.

Foreign assistance, remittances from citizens working abroad, exports of minerals, and, increasingly, revenues from export of manufactured goods and tourism were the mainstays of the country's economy. The Government made substantial progress in deregulation, privatizing state owned companies and opening up to foreign trade and investment. As the country makes a transition to a market driven economic system, the main economic problems it faced were high unemployment and persistent poverty, especially in rural areas. Other drags on economic growth included the political uncertainty in the region, limited water resources, and the lack of a viable market for the country's products in its traditional trading partners in the region, particularly Iraq. Economic growth, which has improved in recent years after stagnating in the mid-1990s, is only partially addressing these problems.

The Government generally respected the human rights of its citizens in some areas; however, there were significant problems in other areas. There were significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy. Other human rights problems included police abuse and mistreatment of detainees, allegations of torture, arbitrary arrest and detention, lack of transparent investigations and accountability within the security services, prolonged detention without charge, denial of due process of law stemming from the expanded authority of the State Security Court and interference in the judicial process, infringements on citizens' privacy rights, harassment of members of opposition political parties, and significant restrictions on freedom of speech, press, assembly, and association.

A law enacted by the Government in October 2001 gave the Government broad powers to restrict and prosecute journalists and to close publications. This royal decree, or temporary law, in the absence of Parliament effectively superseded the 1999 amendments to the Press and Publications Law, which had reduced somewhat the restrictions in previous laws regarding the ability of journalists and publications to function and report freely. Significant restrictions continued throughout the year. The Government limited academic freedom. In July, several professors were dismissed from local faculties, apparently for political reasons. The Government imposes some limits on freedom of religion, and there was official and societal discrimination against adherents of unrecognized religions. The evangelical Christian community reported incidents of governmental harassment during the year. One foreign Protestant pastor and his family reportedly left the country after being harassed by the Government. There were some restrictions on freedom of movement. Violence

against women, restrictions on women's rights, and societal discrimination against women were problems. Although there was some evidence that societal attitudes toward "honor" crimes was improving, the law still allowed for reduced punishments for violent honor crimes against women for alleged immoral acts. Child abuse remained a problem, and discrimination against Palestinians persisted. Abuse of foreign domestics was a problem, and child labor occurred on a small scale. Jordan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

The security services promoted a climate of impunity by continuing to be reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years. However, in some instances, the authorities were more forthcoming.

In January, a youth from Ma'an died in a hospital while in police custody. The Government reported that the boy was arrested for violating the privacy of neighbors, and suffered from fatal injuries after falling from a roof during flight from the police. Local residents said the Government was not truthful about the circumstances surrounding the boy's death. This death led to rioting, the death of a police officer, and the injury of six police officers and eight rioters.

In April, a 10-year old boy was killed during an anti-Israeli demonstration in the Baqaa refugee camp. Family members claimed he was struck by a tear gas canister fired by anti-riot police. The Government formed a special committee to investigate the incident and concluded that there was no wrongdoing on the part of the Government because the boy was struck in the head by an object not fired by police.

In November, a challenge to government authority by an armed group in Ma'an led to the deaths of five persons, including two police officers and three militants.

In August 2001, unknown assailants shot and killed an Israeli businessman working in Amman. Two extremist organizations, the Islamic Movement of Jordan ("The Group of Ahmed Al Daqamseh") and the previously unknown "Nobles of Jordan", claimed responsibility for the killing. The Government stated that it had reason to believe the killing was criminal and not political in nature. At the end of the year, the Government had made no arrests in the case.

In September 2001 the police provided diplomatic representatives with credible information that security forces were not responsible for the death of one person and injury of six others during an October 2000 protest in the Baqaa refugee camp. Protesters continued to maintain that police caused the death and injuries.

According to the Government, several members of the security service were remanded for trial in the January 2000 beating death of Mar'i Khalil Al-Jahran in a South Shuna police station. There were no developments in this matter during the year.

On February 28, terrorists unsuccessfully attempted to assassinate a senior government official and his family with a car bomb. Two bystanders were killed by the blast. At the end of the year, the Government's investigation of the incident continued.

In October, USAID official Lawrence Foley was shot and killed in front of his home. In December, the Government arrested two suspects, who confessed to the act as well as being members of the terrorist organization Al Qa'ida. The trial date is set for 2003.

Women continued to be victims of "honor killings" (see Section 5).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides prisoners with the right to humane treatment and provides prisoners the right to an attorney. However, the police and security forces sometimes abused detainees physically and verbally during detention and interrogation, and allegedly also used torture. Allegations of torture were difficult to verify because the police and security officials frequently denied detainees timely access to lawyers, despite legal provisions requiring such access. The most frequently alleged methods of torture included sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions, and extended solitary confinement. Defendants in high-profile cases before the State Security Court claimed to have been

subjected to physical and psychological abuse while in detention. Government officials denied allegations of torture and abuse.

In October, the Court of Cassation considered convicted terrorist Raed Hijazi's appeal and remanded the case to the Security Court with an order to reconsider the death sentence. Hijazi's sentence stood. In January, the State Security Court rejected accused Hijazi's defense that his confession was coerced, found Hijazi guilty, and sentenced him to death. He had been tried for crimes against the national security. In 2000, Syria had apprehended Hijazi, accused of a terrorist plot targeting American and Israeli tourists during the millennium celebrations, and rendered him to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody.

A number of cases of beatings and other abuse while in police custody were reported to human rights activists during the year. Many of these reported incidents occurred during April, when there were hundreds of anti-Israeli demonstrations throughout the country. In April, a local newspaper reporter covering anti-Israeli demonstrations in Sweileh claimed that he was detained, threatened and 'man-handled' by government security forces (see Section 2.c.). Human rights activists believed that there were many incidents that were not documented.

Police on several occasions used force to disperse demonstrations during the year (see Section 2.b.).

There were no developments in the investigation of the November and December 2000 shooting attacks against Israeli diplomats.

Most prisons met international standards. That said, prisons and local police detention facilities were spartan, and on the whole were severely overcrowded and understaffed. Human rights groups and prisoners complained of poor food and water quality, inadequate medical facilities, and poor sanitation in certain facilities. In July 2001 the Government passed a temporary law that restricted the types of physical force that prison officials may use to subdue prisoners. In 2000 the Government opened a new prison facility in an attempt to alleviate the problem of overcrowding.

The Government held some persons who are detained on national security grounds in separate detention facilities maintained by the GID. The Government held other security detainees and prisoners in regular prisons. Conditions in GID detention facilities were significantly better than general police detention facilities. While security prisoners often were separated from common criminals, conditions for such prisoners did not differ significantly.

Local human rights monitors were allowed to visit prisons, but complained that the authorities required them to undertake a lengthy and difficult procedure to obtain permission for such visits. The U.N. High Commissioner for Refugees (UNHCR) had access to prisoners. With some exceptions, the International Committee of the Red Cross (ICRC) was permitted unrestricted access to prisoners and prison facilities, including GID facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that "personal freedom shall be guaranteed" and that no person may be detained or imprisoned "except in accordance with the provisions of the law." Under the Constitution, citizens are subject to arrest, trial, and punishment for the defamation of heads of state, dissemination of "false or exaggerated information outside the country that attacks state dignity," or defamation of public officials. Criminal laws generally required warrants; however, in most cases suspects may be detained for up to 48 hours in the absence of a warrant. Police obtained many warrants after making arrests.

The Criminal Code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely granted requests from prosecutors for 15-day extensions, also provided by law. This practice generally extended pretrial detention for protracted periods of time. The security forces arbitrarily arrested and detained citizens. In cases involving state security, the authorities frequently held defendants in lengthy pretrial detention, did not provide defendants with the written charges against them, and did not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually met with their attorneys only 1 or 2 days before their trial. In April 2001 the Parliament passed amendments to the Criminal Code that eliminated pretrial detentions for certain categories of misdemeanors.

The Government detained persons, including journalists (see Section 2. a.) and Islamists for varying amounts of time for what appeared to be political reasons. Human rights sources reported that more than 1,000 persons were detained for se-

curity reasons and subsequently released within a short period of time throughout the year. Human rights groups reported that there were a smaller number of long-term political detainees.

Local governors had the authority to invoke the Preventing Crimes Law, which allowed them to place citizens under house arrest for up to one year without formally charging them (*see* Section 2.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

The Government used the threat of detention to intimidate journalists into practicing self-censorship. In October 2001, the Government adopted a series of amendments to Penal Code provisions dealing with the press. Subsequent to the adoption of these amendments, there were incidents of detainment and intimidation of journalists (*see* Section 2.a.).

The Constitution prohibits the expulsion of any citizen, and the Government did not routinely use forced exile; however, in June the Government attempted to prevent the return of Ibrahim Ghosheh, one of four leaders of the terrorist organization HAMAS allegedly expelled in 1999. In June 2001, Ghosheh arrived unexpectedly from Qatar, and immigration authorities at Queen Alia International Airport (QAIA) attempted to block his admission to the country. Ghosheh was detained at the airport until June 30, when the Government admitted him to the country in return for his pledge to cease his HAMAS activities. The three other expelled HAMAS leaders remained outside the country at year's end (*see* Sections 1.e. and 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary, and the Government passed legislation in 2001 to strengthen such independence; however, the judiciary was not independent in practice and remained subject to pressure and outside interference. A judge's appointment to, advancement within, and dismissal from the judiciary are determined by the Higher Judiciary Council, a committee whose members were appointed by the King. In June 2001 Parliament passed a law intended to give the Council increased independent jurisdiction over the judicial branch; previously, the Council had been subject to frequent interference and pressure from the Ministry of Justice stemming from the Ministry's oversight of the council. The new law promoted the independence of the judicial system by limiting the Ministry of Justice's administrative control over judges. There had been numerous allegations in previous years that judges were "reassigned" temporarily to another court or judicial district to remove them from a particular proceeding. The Government claimed that the Higher Judiciary Council's new independence made such tampering much more difficult. Despite constitutional prohibitions against such actions, judges complained of telephone surveillance by the Government (*see* Section 1.f.).

The judicial system consists of several types of courts. Most criminal cases are tried in civilian courts, which include the appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, drug trafficking, and offenses against the royal family are tried in the State Security Court.

Shari'a (Islamic law) courts have jurisdiction over marriage and divorce among Muslims. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a law in inheritance cases (*see* Section 5).

Most civilian court trials were open. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders were provided if the defendant is unable to hire legal counsel. According to government legal officials, civil, criminal, and commercial courts accord equal weight to the testimony of men and women. However, in Shari'a court, the testimony of two women is equal to that of a man's in most circumstances (*see* Section 5).

The State Security Court consisted of a panel of three judges, two military officers and one civilian. Sessions frequently were closed to the public. Defendants tried in the State Security Court often were held in pretrial detention without access to lawyers, although they were permitted to be visited by representatives of the ICRC. In the State Security Court, judges have inquired into allegations that defendants were tortured and have allowed the testimony of physicians regarding such allegations (*see* Section 1.c.). The Court of Cassation ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Appeals are automatic for cases involving the death penalty.

In September 2001, the Government passed a temporary law that removed the right of appeal for defendants convicted of misdemeanors in the State Security Court. According to reports, several defendants were convicted in the State Security

Court without the right to appeal, the most notable being Toujan Faisal (*see* Section 2.a.). King Abdullah later pardoned Faisal.

In the past, defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. According to human rights activists, military judges appeared to have received adequate training in civil law and procedure.

In the past, the press routinely carried details of cases tried before the State Security Court, despite 1998 provisions in the Press and Publication Law that prohibited press coverage of any case that was under investigation, unless expressly permitted by the authorities. The 1999 amendments to the Press and Publications Law permitted journalists to cover court proceedings “unless the court rules otherwise.” There was press coverage of trials in the State Security Court during the year.

The Court of Cassation vacated the State Security Court’s verdict of July 2001, in which the State Security Court had retried and sentenced nine men to life imprisonment for their alleged involvement in politically motivated bombings in 1998. The July 2001 retrial came as a result of credible reports that the initial trial in 1998 was flawed, and that the defendant’s confessions were made under duress and torture. Following the ruling of the Court of Cassation vacating the State Security Court verdict, there were no further developments in the case.

In June 2001 the Government permitted one of the four HAMAS leaders expelled in 1999 to reenter the country (*see* Sections 1.d. and 2.d.); there were credible reports of executive branch influence with respect to the original verdict of expulsion.

There were no reports of political prisoners; however, the Government detained persons for varying periods of time for political reasons (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution requires that security forces obtain a warrant from the Prosecutor General or a judge before conducting searches or otherwise interfering with these rights, and the security services generally respected these restrictions; however, in security cases, at times in violation of the law, the authorities obtained warrants retroactively or obtain pre-approved warrants. Security officers monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance of persons considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. Judges complained of unlawful telephone surveillance (*see* Section 1.e.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government imposed a number of restrictions on these rights, and such restrictions increased during the year. In October 2001, the Government broadened its authority to prosecute journalists and close publications. The Government detained and restricted journalists based on the provisions of the October 2001 laws.

The 1998 Press and Publications Law and the 1999 revisions to the law, combined with the 1998 Press Association Law, imposed stringent restrictions on the operation of newspapers. The Government also intimidated journalists to encourage self-censorship. Private citizens may be prosecuted for slandering the royal family, the Government, or foreign leaders, and for “sowing sedition.” Citizens generally did not hesitate to criticize the Government openly, but were more circumspect in regard to the King and the royal family. The Press and Publications Law and the law governing the Jordan Press Association (JPA) require membership in the JPA for persons to be considered “legal” journalists or editors, thus potentially excluding dozens of practicing journalists from the profession. The Government during the year selectively enforced this provision. The JPA used its authority to enforce bans on journalists receiving funding from foreign sources or having Israeli contacts. In 1999 then-Prime Minister Abdul Raouf Rawabdeh issued an order directing government offices to cooperate only with JPA members.

The 1998 Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, and order shutdowns, which enabled it to control the editorial content of newspapers. However, the 1999 amendments to the Press and Publications Law limited to some extent the Government’s discretion to issue fines, transferred the power to withdraw licenses to the judiciary, limited significantly the Government’s power to order shutdowns, and allowed journalists to cover court proceedings unless the court ruled otherwise. The 1998 Press and Publications Law imposed strict limits on publications, which gave the Government very broad leeway to sanction publications. According to the 1999 amendments, all publications must be licensed by the Government. The law also requires that the editor in chief of a newspaper be a citizen who permanently resides in the country and to have been a member of the JPA for at least 4 years. This last provision reflected

a reduction in the requirements of previous legislation but placed the burden of regulation on the JPA.

The Penal Code authorizes the State to take action against any person who incites violence, defames heads of state, disseminates "false or exaggerated information outside the country that attacks state dignity," or defames a public official.

In October 2001, the Government adopted a series of amendments to Penal Code provisions dealing with the press. The amendments reinforced existing Penal Code restrictions on free speech and allow for the prosecution of any person found to have written, published, or aired any statements "harmful to national unity; instigating criminal actions; sowing the seeds of hatred and malice; inciting divisions among members of society; instigating acts of religious and racial fanaticism; insulting the dignity of individuals, their reputation or personal freedoms; committing acts of corruption or publishing false information or rumors; inciting people to organize strikes or sit-ins, or to hold meetings in a manner that violates the law; or committing any act considered harmful to the state's reputation and dignity." The amendments gave the State Security Court the authority to temporarily or permanently close any publication or media outlet that published or aired any such statements. The Government strengthened provisions regarding defamation of the King or Royal Family, providing as punishment imprisonment of three years. In addition all violators of the new provisions automatically were subject to trial before the State Security Court rather than the special press and copyright court.

Prior to the October 2001 amendments, persons accused of violating the Press and Publications Law were tried in a special court for press and copyright cases. Journalists also may be prosecuted for criminal and security violations in connection with their work. Although a substantial number of cases were dismissed before trial, many other cases lingered in the courts for years. The Government routinely used detention and prosecution or the threat of prosecution to intimidate journalists and thereby successfully encouraged self-censorship (*see* Section 1.d.).

In March former parliamentarian Toujan Faisal was arrested and charged with acts of sedition via libel and incitement of violence against the Government. On a foreign-based Internet site and on al-Jazeera, Faisal criticized the Prime Minister and the judicial system for corruption. In May the State Security Court and sentenced Faisal to one and a half years in prison. Since Faisal was convicted of misdemeanors, she had no right to appeal (*see* section 1.e.). Many contended that Faisal's arrest and sentence were the result of a political vendetta. In May the King pardoned Faisal and she was released in late June.

On March 18, editor Hashem Khalidi and publisher Tajeddin Hroub of the weekly Al-Bilad were detained on the charge of publishing "false news" following publication of an article in their newspaper.

In March a foreign NGO reported that a publication of the opposition weekly Al Majd was censored by the Government. In September Al-Majd claimed that their publication was delayed for one day because "security forces" stopped the printing of the newspaper until articles considered "offensive" were removed. In January the editor of the newspaper, Fahd al-Rimawi had been detained for 2 days and charged with publishing false news.

In April Al-Jazeera correspondent Mahmoud Al Housa was detained for 3 days, apparently under the provisions of the October amendments. In the same month a local newspaper reporter covering demonstrations in Sweileh claimed that he was detained, threatened and "manhandled" by government security forces (*see* section 1.c.). In August he claimed that government authorities seized his passport and threatened him with prosecution.

In August the Government closed indefinitely the local office of Al Jazeera and suspended the media credentials of Al Jazeera's local correspondents in response to their airing of a talk show segment which the Government considered inflammatory and anti-Government.

In August journalist Mamoun Al Roussan, editor-in-chief of the weekly Al Jazeera was arrested and detained for publishing an article criticizing Qatari officials. Both Al Roussan and his publisher, Sakher Abu Anzeh were detained for a week.

In November Yasser Abu Hilalah, a columnist for the Al Rai newspaper and former correspondent for Al Jazeera, and Samir Abu Hilalah, a journalist with Al Arab Al Youm, were released after being held for 24 hours. Both were detained after sending information to their respective news sources on the unrest between security forces and citizens in Ma'an.

In January 2001, the Government arrested seven members of the Anti-Normalization Committee, a group that opposes the country's relations with Israel, on charges of belonging to an illegal group (*see* Section 2.b.). The State Security Court also charged two of the seven with possession of explosives and with terrorist activities. The arrests followed the publication of the Committee's blacklist, which included the

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names of companies and persons with ties to Israel or Israeli businesses. All seven detainees were released on bail while awaiting trial. The trials had not yet begun by year's end. The Government also filed charges under the Press and Publications Law against two journalists, Ma'moun Rousan and Abdel Naser Hourani, for printing the blacklist in their publications. At the end of the year, both men were still involved in judicial proceedings related to the charges.

In May 2001, police in Amman arrested journalists Jamal Alawi, and Yasser Zaatreh. According to press reports, police forcibly detained the journalists during anti-Israeli rallies marking the anniversary of the creation of the State of Israel. That same month, police also reportedly seized film and cameras from other television journalists. Alawi and Zaatreh were released without charge after a brief detention. Police reportedly beat Tareq Ayyoub as he attempted to cover political demonstrations in Amman (*see* Section 2.b.).

In June 2001, police in Zarqa briefly detained five journalists who worked for the Associated Press. The reporters were attempting to film a memorial service for the suicide bomber involved in the Dolphinarium Disco bombing in Tel Aviv. Police released all five after a few hours.

In July 2001, Senator Jawad Anani claimed that he was forced to resign following his publication of an article that was critical of the Government. The Government denied any involvement in Anani's decision to resign.

In December 2001 the GID reportedly detained two television journalists associated with al-Jazeera for covering a demonstration by Islamists in Ma'an. According to the reporters, the GID forced them to hand over their video footage and physically abused them while they were in custody. Both journalists were released with 24 hours and no charges were filed against them.

The Press and Publications Department continued to enforce bans on the publication of a number of books within the country. Although some books were banned based on religious objections, anecdotal evidence suggests that the number banned for political reasons is higher.

There were no developments in the January 2000 arrest of Asim Ogla Al-Maghayirah, whom authorities accused of affiliation with the banned political party Al-Tahrir and of distribution of illegal pamphlets.

In February 2000, the High Court of Justice dismissed the appeal of Nidal Mansour's expulsion from the JPA. In September 2000, the JPA had voted to expel Mansour for allegedly receiving foreign funding on behalf of the nongovernmental organization (NGO) that he headed (*see* Section 4). As a result of the Court's decision, Mansour was removed as editor of the newspaper that he owns.

The Press and Publications Department continued its April 2000 ban on a book of poetry by Ziyad Al-Anani; the book contained a poem that reportedly was offensive to Islam (*see* Section 2.c.).

Some journalists continued to complain about high taxes on the media industry and tariffs on paper, which they claimed led them to reduce the size of their publications. They also criticized the Government for its policy of advertising predominantly in newspapers in which the Government owned shares.

The Government did not block the entry of foreign publications during the year. In January 2000, the Government passed a bill that grants foreign media operations "absolute freedom of expression" in the country. The bill reportedly was passed in order to encourage foreign investment. At the time, some commentators criticized the Government for passing a bill that offers full autonomy for foreign journalists while maintaining laws that restrict freedom of expression for local journalists.

Radio and television news broadcasts were more restricted than the print media. The Government was the sole broadcaster of radio and television programs. It had commercial agreements with the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, and Radio Monte Carlo that allow it to simulcast regional programs using local radio transmitters. Jordan Television (JTV) reported only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted.

The GID actively investigated Internet reports of "crimes against the King." In March, the Government restored access to two overseas websites that it had blocked within the country. There were additional reports of government interference with Internet access.

The Government limited academic freedom. In June, three universities dismissed a total of eight professors, most of whom taught Shari'a law, without explanation. Most suspected the Saudi-educated professors were dismissed because of their political views and/or their background. Four of the professors have since been reinstated. During the year, sources in the academic community claimed that there was an intelligence presence in academic institutions. In 2001 two university presidents

were pressured to resign because of their political views. Some academics claimed that they received frequent threats of dismissal.

During the year, Jordan University continued its policy established in March 2000 that granted the president of the University the authority to appoint half of its 80-member student council, including the chair. The amendment was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, objected to the University's decision.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. Citizens must obtain permits for public gatherings. In August 2001 the Government adopted a law that requires the organizers of rallies and demonstrations to request permission from provincial governors at least 3 days prior to any event. Under the law, no protest may be held without the governor's consent and violators face imprisonment from 1 to 6 months and a fine not to exceed \$4,230 (3,000 dinars). The Government adopted the law in the absence of a sitting Parliament, which the King dissolved in June 2001 (see Section 3).

In mid-March, media reports indicated that tear gas was used in protests at refugee camps and some protestors were detained; however the demonstrations remained peaceful overall.

On March 22, there were media reports that the Government used tear gas to disperse approximately 1,500 protestors in Irbid when they attempted to march from a local university to the city's center. The demonstrators had been denied a permit to demonstrate by the Government. Unconfirmed press reports indicated that some of the demonstrators were beaten.

Despite the restrictions, there were numerous anti-Israeli protests and demonstrations throughout the country, especially in April. On some occasions in April, police used tear gas, water cannons, and dogs to disperse protestors in various areas of Amman and throughout the country.

In May and June, professional associations cancelled demonstrations in which they planned, among other things, to burn American goods. The cancellations were reportedly prompted by government pressure.

In June 4 members of the outlawed Liberation Party were sentenced to 1 year in prison. Reportedly, the four were arrested while obtaining signatures on a memorandum to the Prime Minister that demanded, among other things, military aid to the Palestinians.

In August Saudi religious extremist Sheikh Salman al Awdah was detained and deported from the country prior to delivering a scheduled speech.

In March 2001, riot police protecting the Prime Ministry used physical force to disperse a sit-in by 25 academics protesting the absence of employment opportunities at local universities. No one was seriously injured; however, press reports claimed that at least 10 demonstrators briefly were detained. The Government denied that it detained any of the demonstrators.

In April 2001, organizers canceled a planned march from the Shmeisani area of Amman to U.N. offices in the city. According to press reports, the governor of Amman refused permission for the event.

In May 2001, security forces dispersed hundreds of protestors who were attempting to stage two rallies in Amman. The Government claimed that the rallies were unauthorized and unlawful. Police used tear gas, water cannons, batons, and dogs to disperse the demonstrators, reportedly injuring between 10 and 30 persons (see Section 1.c. and 2.a.).

In July 2001, police and University of Jordan security personnel refused to allow students holding an anti-Israeli protest to exit the campus. No force was used in the incident.

The Government restricted freedom of association. The Government required and routinely granted approval for conferences, workshops, and seminars. Currently, professionals must join their respective professional associations.

The Government routinely licensed political parties and other associations. There were 30 licensed political parties. Membership in an unlicensed political party was illegal. The Government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the Constitution or the Political Parties Law.

In January 2001, security officials arrested seven members of the Anti-Normalization Committee, a group that opposes the country's relations with Israel, on charges of belonging to an illegal group (see Section 2. a.). The State Security Court also charged two of the seven persons with possession of explosives and with terrorist activities. The arrests followed the publication of the Committee's blacklist, which included the names of companies and persons with ties to Israel or Israeli busi-

nesses. All seven detainees were released on bail while awaiting trial. The trials had not yet begun by year's end.

In October 2001, the Government arrested or detained more than 50 persons for violating the public gathering laws. Included in the October detentions were at least 10 students from Jordan University, 15 members of the Muslim Brotherhood and its political arm, the Islamic Action Front (IAF), and members of extremist groups. The Government had released all 50 persons by the end of 2001.

c. Freedom of Religion.—The Constitution provides for the safeguarding of “all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality.” Within that constitutional framework, the Government imposes some restrictions on freedom of religion. The Constitution also states that “there shall be no discrimination” between Jordanians “as regards their rights and duties on grounds of race, language, or religion.” However, some members of unrecognized religious groups and religious converts from Islam faced legal discrimination and bureaucratic difficulties in personal status cases.

According to the Constitution, Islam is the state religion. The Ministry of Religious Affairs and Trusts managed Islamic institutions and the construction of mosques. It also appointed imams, provided mosque staff salaries, managed Islamic clergy training centers, and subsidized certain activities sponsored by mosques. The Government loosely monitored sermons at mosques and required that speakers refrain from criticizing the Royal Family or instigating social or political unrest. The Political Parties Law prohibits the use of houses of worship for political party activity. The law was designed primarily to deny government opponents the ability to preach politically oriented sermons in mosques.

Persons enjoy freedom of belief, and there were no reports that the practice of any faith was prohibited. However, the Government does not officially recognize all religious groups. Some religious groups, while allowed to meet and practice their faith, complained of societal and/or official discrimination. In addition, not all Christian denominations have been accorded legal recognition as religions. The Prime Minister unofficially conferred with an interfaith council of bishops representing local churches on all matters relating to the Christian community, including the registration of new churches in the country. The Government used the following criteria when considering recognition of Christian churches as separate official religions: the faith does not contradict the nature of the Constitution, public ethics, customs, or traditions; the faith is recognized by the Middle East Council of Churches; the faith does not oppose the national religion; and the group includes some citizen followers.

Religious institutions, such as churches that wish to receive official government recognition, must apply to the Prime Ministry for registration. Recognized non-Muslim religious institutions did not receive subsidies; they were financially and administratively independent from the Government and were tax-exempt. Some churches were registered with the Ministry of Justice as “societies,” rather than churches.

According to the Government, the role of the State in religious affairs is limited to supervision. Groups that have practices that violate the law and the nature of society were prohibited; however, there were no reported cases of religious groups being banned in practice.

The Government did not recognize the Druze or Baha'i faiths as religions but did not prohibit the practice of the faiths. Druze faced official discrimination but did not complain of social discrimination. Baha'is faced both official and social discrimination. The Government did not record the bearer's religion on national identity cards issued to Druze or Baha'is. The small Druze and Baha'i communities did not have their own courts to adjudicate personal status and family matters; such matters are heard in Shari'a courts. The Government did not officially recognize the Druze temple in Azraq, and four social halls belonging to the Druze were registered as “societies.” The Government did not permit Baha'is to register schools or places of worship.

The Government did not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-day Saints, but each denomination was allowed to conduct religious services and activities without interference.

The Government did not interfere with public worship by the country's Christian minority. Although the majority of Christians were allowed to practice freely, some activities, such as encouraging Muslims to convert to the Christian faith were prohibited.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, had still not been accredited by the end of the year. As a result, students and faculty from the U.S. and elsewhere wishing to attend JETS were still unable to obtain student visas. JETS continued its operations with students studying on tourist visas.

Shari'a prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians was allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complained of social and government discrimination. The Government does not fully recognize the legality of such conversions. Under Shari'a, converts are regarded as apostates and legally may be denied their property and other rights. However, in practice, this principle was not applied. According to the Government, it neither encourages nor prohibits apostasy. Converts from Islam do not fall under the jurisdiction of their new religion's laws in matters of personal status and are still considered Muslims under Shari'a. Conversely, converts to Islam fall under the jurisdiction of the Shari'a courts. Shari'a prescribes the death penalty for Muslims who convert to another religion; however, there is no corresponding statute under national law, and such punishment has never been applied.

Government policy requires that foreign missionary groups (which the Government believes are not familiar with the customs and traditions of the country) refrain from public proselytizing "for the sake of their own personal safety from members of society that oppose such practices." The Government has taken action against some Christian proselytizers in response to the complaints of recognized Christian groups who charge that the activities of these missionaries "disrupt the cohesiveness and peace between religious groups in society." In December, an American pastor asserted that the Government harassed him and his wife, and threatened to cancel their residency permits. The pastor claimed that the Government intimidation was in response to his refusal to verify whether or not Muslims attended his church's services.

In the past, there were some reports of local government officials encouraging Christian females involved in relationships with Muslim males to convert to Islam to diffuse family or tribal disputes caused by the relationship (*see* Section 5). However, there were no known cases in which local officials harassed or coerced persons to convert during the year.

According to the Constitution, religious community trusts ("Awqaf") and matters of personal status, such as marriage, divorce, child custody, and inheritance fall within the exclusive jurisdiction of the Shari'a courts for Muslims, and separate non-Muslim tribunals for each religious community recognized by the Government. There is no civil marriage. The head of the department that manages Shari'a court affairs (a cabinet-level position) appoints Shari'a judges, while each recognized non-Muslim religious community selects the structure and members of its own tribunal. All judicial nominations are approved by the Prime Minister and commissioned officially by royal decree. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant church tribunals. There are no tribunals assigned for atheists or adherents of unrecognized religions. These persons must request one of the recognized courts to hear their personal status cases.

During the year, a child custody case was adjudicated through the court system (both Shari'a and civil) and custody of two minors who were raised as Christian was transferred from their Christian mother to her Muslim brother-in-law.

Shari'a is applied in all matters relating to family law involving Muslims or the children of a Muslim father, and all citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. Men are able to divorce their spouses more easily than women are, although a law passed in December 2001 allows women to divorce their husbands in Shari'a Court. Since the law went into effect, Shari'a courts have granted at least two divorces brought by women (*see* Section 5).

All minor children of a male citizen who converts to Islam are automatically considered to be Muslim. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. When a Muslim converts to Christianity, the act is not recognized legally by the authorities, and the subject continues to be treated as a Muslim in matters of family and property law, and the minor children of a male Muslim who converts to Christianity continue to be treated as Muslims under the law.

Some Christians are unable to divorce under the legal system because they are subject to their faith's religious court system, which does not allow divorce. Many of these individuals convert to another Christian denomination or the Muslim faith in order to divorce legally.

The Government notes individuals' religions (except for Druze and Baha'is, and other unrecognized religions) on the national identity card and "family book" (a national registration record that is issued to the head of every family and that serves as proof of citizenship) of all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

The Government traditionally reserves some positions in the upper levels of the military for Christians; however, all senior command positions have been traditionally reserved for Muslims. Division-level commanders and higher are required to lead Islamic prayer for certain occasions. There were no Christian clergy in the military.

Despite efforts by religious extremists, in 2001 the criminal court and Shari'a court acquitted poet Musa Hawamdeh of charges that he had "insulted religious values and defamed prophets" in his poetry.

The Press and Publications Department continued its April 2000 ban on a book of poetry by Ziyad Al-Anani; the book contained a poem that reportedly was offensive to Islam (*see* Section 2.a.).

In June 2000, due to a dispute stemming from an intrachurch rivalry between the Jerusalem Patriarchate and the Antioch Orthodox Patriarchate, the Government closed an Arab Orthodox church that was aligned with the Antioch Patriarch in Damascus. The Government closed the church following a request from the local Orthodox hierarchy to enforce a 1958 law that grants the Jerusalem Patriarchate authority over all Orthodox churches in the country. In December 2000 the church reopened with permission from the Government, but was closed again a week later based largely on pressure from the Orthodox hierarchy. The Government stated that the church was free to open under a different name that would not imply affiliation with the Orthodox Church. The church remained closed at year's end.

Non-Jordanian Christian missionaries operated in the country but were subject to restrictions. Christian missionaries may not proselytize Muslims. During the year, U.S.-affiliated Christian mission groups in the country continued to complain of bureaucratic difficulties, including refusal by the Government to renew residence permits.

In February 2000, the governor of the Amman municipality closed the office of Life Agape—an organization associated with the Baptist Church—after the director refused to sign a letter stating that he would not "deal with Muslims." The office remained closed at the end of the year.

In April and September 1999, a foreign employee of a small language school in Amman applied for a residence permit from the Ministry of Interior. His application was denied, reportedly because government officials believed that he had been attempting to convert Muslims to Christianity. He reapplied in April 2000, and was awaiting a response from the Government at the year's end.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for the right of citizens to travel freely abroad and within the country except in designated military areas; however, there are some restrictions on freedom of movement. The law requires that all women, including foreign women married to citizens, obtain written permission from a male guardian—usually their father or husband—to apply for a passport. The current passport laws do not state that a woman must have permission from her male guardian to renew her passport. In the past, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country (*see* Section 5).

The GID sometimes withheld passports from citizens on security grounds. In August a reporter claimed that government security forces confiscated his passport. Local governors have the authority to invoke the Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (*see* Section 1.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

Persons with full citizenship received passports that are valid for 5 years. Most Palestinians living in the country were citizens and received passports that are valid for 5 years. However, the Government estimated that there are 150,000 Palestinian residents who are refugees or children of refugees who arrived from Gaza after 1967 and do not qualify for citizenship. They receive 2-year passports valid only for travel. In the period following the country's administrative and legal disengagement from the West Bank in 1988, Palestinians residing in the West Bank received 2-year passports valid for travel only, instead of 5-year Jordanian passports. In 1995, King Hussein announced that West Bank residents without other travel documentation again would be eligible to receive 5-year passports. However, the Government emphasized that these passports are for travel only and do not confer citizenship, which may be proven only by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons hold-

ing citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

During the year, there were allegations that the Government did not consistently apply citizenship laws. There were 32 cases reported in which passports were taken by the Government in efforts to implement 1988 West Bank disengagement laws. In 2001, there were reports of 52 complaints from persons or families claiming that the Government denied their right to citizenship. All 52 reported complainants disputed the Government's claim that they were ineligible for citizenship under the regulations, and many filed appeals with the Ministry of Interior.

In July 2001, there were reports that immigration officials at the King Hussein/Allenby Bridge crossing with Israel confiscated the Jordanian passports belonging to Jordanians of Palestinian origin who were carrying both Jordanian and Palestinian Authority travel documents. The Government stated that such confiscations were consistent with laws that prohibit citizens of Arab League countries from holding passports of any other Arab League member. Human rights observers claimed that no such law exists, and that the policy against dual nationality is based on an informal agreement of Arab League countries.

Human rights activists reported that approximately 1000 Jordanians of Palestinian origin remained outside the country at year's end, due to the Government's refusal to renew their passports at embassies overseas. The majority of such persons now live in Syria, Lebanon, and Libya as stateless persons. Diplomatic representatives or human rights observers who inquired about the situation received no government response.

The Constitution specifically prohibits the deportation of citizens. In June 2001 the Government permitted the return of Ibrahim Ghosheh, one of four HAMAS leaders allegedly expelled in 1999. Although initially refused entrance, Ghosheh was admitted in return for his pledge to cease his activities with HAMAS. The three other expelled HAMAS leaders remained outside the country at the year's end (*see* Sections 1.d. and 1.e.).

There is no law or statute that provides for the granting of refugee status or asylum. The Government generally cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR must resettle refugees in other countries. However, in April 2001 the Ministry of Interior signed a memorandum of understanding with the UNHCR concerning the status and treatment of refugees. Under the agreement, the Government admits asylum seekers, including those who have entered the country clandestinely, and respects the UNHCR's eligibility determinations under the refugee definitions set forth in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The agreement provides protection against the forcible return of refugees from the country, and recognizes the legal definition of a refugee as set forth in the U.N. Convention. The UNHCR regularly trains law enforcement officials in international refugee law, including specialized courses for policewomen. The Government provides first asylum. According to UNHCR figures, 55,626 persons sought asylum through the UNHCR between October 1990 and 2000.

The Government estimates that over 300,000 Iraqis resided in the country. Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. In addition to applications from Iraqis during the year, the UNHCR also received applications for refugee status from Sudanese, Russians from Chechnya, Somalis, and Eritreans.

For the 2001–2002 school year, the Government continued its policy of denying Iraqi children admittance to school unless they are legal residents of the country or recognized as refugees by the UNHCR.

Almost 1.6 million Palestinian refugees were registered in the country with the U.N. Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA counts another 800,000 Palestinians as either displaced persons from the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.

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

There are significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy. Appointments made by the King to high level government posts do not require legislative approval. Executive power is vested in the King (or, in his absence, in the Regent), who exercises his power through his ministers in accordance with the provisions of the Constitution.

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In June 2001, the King dissolved Parliament and directed the Government to draft a new election law. In August the King again announced postponement of elections and indicated that they would be held by spring 2003. As of year's end, the King had not announced a specific date for elections and the Parliament remained dissolved.

According to the provisions of a temporary election law approved by the King in July 2001, the Parliament is composed of a 40-member Senate appointed by the King, and a popularly elected 104-member Chamber of Deputies. The Chamber of Deputies previously contained 80 members. The Parliament is empowered by the Constitution to initiate legislation, and it may approve, reject, and amend legislation proposed by the Cabinet. A group of 10 senators or deputies may submit draft bills for consideration; however, in practice legislation is initiated and drafted by the Cabinet of Ministers and submitted by the Government to Parliament for consideration.

Opposition Members of Parliament have claimed that attempts by members of the lower house to initiate legislation receive no response from the Government. The King proposes and dismisses extraordinary sessions of Parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, it must submit the law to Parliament for consideration during the next session; however, such "temporary" laws do not expire and, while technically subject to action by Parliament when it returns to session, may in practice remain in force without legislative approval.

Municipal elections in July 1999 featured the participation of the parties that had boycotted the 1997 parliamentary elections; however, low voter turnout necessitated a second day of balloting. The municipal elections were regarded generally as free and fair.

The July 2001 election law increased the number of electoral districts by redrawing district boundaries and redistributing seats among districts. The Government also included provisions, such as those requiring verification of polling results by members of the Judiciary, that are designed to increase transparency and accuracy. The voting age was lowered from 19 to 18 years. The law did not include quotas for women or opposition political parties. Observers believed that the new law continues to favor electorates in the rural and southern part of the country as well as in regions with populations known for their traditional, pro-Hashemite views.

The law retains the so-called one-man, one vote provision, which allows voters to choose only one candidate in multiple-seat districts. In the largely tribal society, citizens tend to cast their first vote for family members, and any additional votes in accordance with their political leanings. The amendment also limits representation in the largely Palestinian urban areas. As a result, the amendment in practice tended to limit the chances of other nontribal candidates, including women, Islamists, and other opposition candidates, to be elected.

From July to September 2001, the Government initiated a series of consolidations designed to merge many of the country's 328 municipalities into approximately 100. The Ministry of Municipal, Rural, and Environment Affairs stated that these mergers were taken to reduce municipal operating costs and improve local services. Opponents of the measure claimed that the consolidations were an attempt to undermine the strength of Islamist parties in local government, and that it will weaken the democratic process at the municipal level by reducing the number of locally elected officials. The IAF sought to enjoin the Government from making the consolidations, but the courts held that the IAF had no standing to initiate such an action.

Women have the right to vote, and women's groups encouraged women to vote and to be active in the political process. There was one female minister. In the previous Parliament there were two female senators, and one female member of the Chamber of Deputies.

Of the 104 seats in the lower house scheduled for election in 2003, 9 are reserved for Christians, 9 for Bedouins, and 3 for either the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated at more than half of the total citizen population, contributed 6 of 28 ministers. In the most recent Parliament, 6 of 40 senators and 11 of 80 lower house deputies were of Palestinian origin. There were no Palestinians in any of the 12 governorships throughout the country. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

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

Domestic and international human rights groups investigated allegations of human rights abuses and published and disseminated findings critical of govern-

ment policy. The 1999 amendments to the Press and Publications Law removed restrictions on the publication of information about the military and security services, which had prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services; however, similar restrictions still exist in the Penal Code and other laws (*see* Section 2.a.).

The local chapters of the Arab Organization for Human Rights (AOHR) and the Jordanian Human Rights Organization (JHRO) were registered with the Government. On October 29, the Ministry of Interior dissolved the Jordanian Society for Citizens' Rights (JCSR), one of the few human rights groups not affiliated with any political movements or the Government. The Government reported that it closed the NGO because of legal infractions and internal disputes related to finances. However, the JCSR claimed the closure was for political reasons, including the JCSR's reporting of Palestinian citizens losing their passports as a result of 1988 disengagement laws.

The groups drew public attention to alleged human rights abuses and a range of other political issues. They also pressed the Government either to bring formal charges against political detainees or to release them promptly. The AOHR and JCSR (before it was dissolved) published human rights reports during the year. In 2001, the AOHR asserted that the Government responds to only about 10 percent of the complaints that the NGO submits on behalf of individuals who allegedly were subjected to human rights abuses by the authorities; the JCSR claimed the Government responds to 20 percent of its cases. Before it was dissolved, the JCSR reported that the Government generally supported its public workshops during which citizens discussed their viewpoints on sensitive social and political topics. Local NGOs reported that the Government did not generally interfere with their actions. Local NGOs were not permitted to receive funds from foreign sources, and some NGO workers reported that they feared they would be accused of accepting illegal funds from abroad. In September 2000 the Jordan Press Association expelled its vice president, Nidal Mansour for allegedly receiving foreign funding for the NGO he headed, the Center for Defending Freedom of Journalists. In February 2001, the Higher Court of Justice denied Mansour's appeal of his expulsion (*see* Section 2.a.).

In March 2000 the Government formed the Royal Commission for Human Rights, chaired by Queen Rania. The mandate of the Commission is to present recommendations on reforming current laws and practices to King Abdullah and to institutionalize human rights in the country. In November 2000, the Commission sponsored two human rights awareness seminars with police and judicial officials in Amman and Aqaba. In June 2001 the Commission presented a draft law designed to create an independent National Center for Human Rights. The Government had not released the draft nor taken any further action on the legislation at the end of the year.

The Government established in 2000 the National Team for Family Protection and the Child Protection Center (*see* Section 5). The Government controlled the Parliamentary Public Freedoms Committee, the Ombudsman, and the Human Rights Office at the Prime Ministry.

The Government generally cooperated with international NGOs. The ICRC usually was permitted full and unrestricted access to detainees and prisoners, including those held by the GID and the military intelligence directorate (*see* Section 1.c.).

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

The law does not distinguish between citizens on the basis of race. However, women and some minorities were treated differently under the law and faced discrimination in employment, housing, and other areas.

Women.—Violence against women was common. Reported incidents of violence against women did not reflect the full extent of the problem. Medical experts acknowledged that spousal abuse occurred frequently. However, cultural norms discouraged victims from seeking medical or legal help, thus making it difficult to assess the extent of such abuse.

Abused women have the right to file a complaint in court against their spouses for physical abuse but in practice, familial and societal pressures discouraged them from seeking legal remedies. Marital rape is not illegal. NGOs such as the Jordanian Women's Union, which had a telephone hot-line for victims of domestic violence, provided assistance in such matters. Wife-battering technically was grounds for divorce, but a husband may seek to demonstrate that he has authority from the Koran to correct an irreligious or disobedient wife by striking her.

The Criminal Code provides for leniency for a person found guilty of committing an "honor crime," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. Law enforcement treatment of men accused of honor crimes reflected widespread unwill-

ingness to recognize the abuse involved or to take action against the problem. Although the press was in the past reluctant to report on honor crimes, many honor crimes committed during the year were reported, including the total number of 21. The actual number of honor crimes was believed to be significantly higher. Human rights observers believed that many more such crimes were committed but not documented as honor crimes. According to women's rights activists, there was some evidence of a societal trend toward condemnation of honor crimes. However, in 2001 one forensic medical examiner estimated that 25 percent of all murders committed in the country were honor crimes. The police regularly imprisoned women who are potential victims of honor crimes for their own protection. In 2001 there were up to 40 women involuntarily detained in such "protective" custody during the year.

According to Article 340 of the Penal Code, a "crime of honor" defense may be invoked by a defendant accused of murder who "surprises his wife or any close female relative" in an act of adultery or fornication, and the perpetrator of the honor crime is judged not guilty of murder. Although few defendants are able to meet the stringent requirements for a crime of honor defense (the defendant personally must have witnessed the female victim engaging in sexual relations), most avoided trial for the crime of murder, and were tried instead on the charge of manslaughter. Even those convicted of murder rarely spent more than 2 years in prison. In contrast to honor crimes, the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years. Such defenses also commonly relied on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in such cases fall under Article 98 of the Penal Code. In December 2001 the Government passed a temporary law amending Article 340 to apply equally to men and women. However, this legal change did not substantially affect the sentencing of perpetrators of honor crimes as no defendant in an honor crime invoked Article 340 during the year.

In February, a 37-year-old man was sentenced to 1 year in prison for killing his pregnant sister and her alleged lover. Her brother, Mohammad Ahmad shot Farjeh Ahmad, after she confessed to him that she was pregnant out of wedlock. Mohammad Ahmad subsequently shot and killed Farjeh's lover. The Criminal Court found that "Farjeh's unlawful and dangerous actions caused the defendant to lose his temper and to kill both of the victims without realizing the consequences of his actions."

In June, the Criminal Court reduced a felony charge of murder against 31-year-old Faisal Hassan to a misdemeanor, exactly 1 year after he shot and stabbed his pregnant sister. The Criminal Court reduced his charge to misdemeanor in accordance with Article 98 "because the defendant committed his crime in a fit of fury and his family dropped charges against him." Hassan was sentenced to time served and released.

In September the Court of Cassation overturned a 3-month sentence given to a 35-year old man for murdering his sister, Fadia Mohammad to "cleanse his honor." The court remanded the case to the Criminal Court with an instruction to return with a harsher sentence. On November 9, the Criminal Court imposed a 10-year prison sentence. In June 2001, Fadia Mohammad had been shot and stabbed by her brother, who killed her after learning that she was pregnant.

During the year, a 39-year-old man was formally charged with the premeditated murder of his wife. After shooting her, he subsequently surrendered to local authorities. His wife had just finished serving a 2-year prison sentence for adultery and allegedly had returned to her Egyptian lover after her release from prison. The husband found her in a busy marketplace in Irbid and shot her four times in the head.

In July 2001, a 15-year-old boy from Irbid confessed to killing his 20-year-old sister. He claimed to have acted in defense of his family's honor. The boy repeatedly struck his sister in the head with a club before covering her body in kerosene and setting it on fire. A coroner's report found that the girl had not been sexually active. Her brother surrendered himself to police and was sentenced to 4 years in juvenile detention for his crime.

There were no developments in the April 2000 death of Fathieh Mohammad, who reportedly was shot and killed by her father to "cleanse his honor." The police subsequently arrested and charged both her father and brother for the crime.

Most activists believe that even if Article 340 were repealed, honor crimes likely would persist, with sentences continuing to be reduced under Article 98.

Female Genital Mutilation (FGM) was rarely practiced. However, one southern tribe of Egyptian origin in the small village of Rahmah near Aqaba reportedly practiced FGM. In 2001, one local Mufti issued a fatwa stating that FGM "safeguards women's chastity and protects them against malignant diseases by preventing fat

excretions." However, the Mufti also stated that since FGM is not a requirement of Islam, women who do not undergo this procedure should not be embarrassed.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment. Sexual harassment, assault, and unwelcome advances of a sexual nature against women did not appear to be widespread problems.

Women experienced legal discrimination in matters of pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and the value of their Shari'a court testimony in certain limited circumstances (*see* Section 1.e.). The Government provided men with more generous social security benefits than women. The Government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Current laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Under Shari'a as applied in the country, female heirs receive half the amount of male heirs and the non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men are able to divorce their spouses more easily than women, although the most recent personal status law does grant women the right to bring a divorce action in certain limited circumstances (*see* section 2.c.). Marriage and divorce matters for Christians are adjudicated by special courts for each denomination (*see* Section 2.c.). There were 11 female judges in the country, up from 6 in 2001.

The law requires a married woman to obtain her husband's permission to obtain, but not renew, a passport (*see* Section 2.d.). Married women do not have the legal right to transmit citizenship to their children. Furthermore, women may not petition for citizenship for their non-Jordanian husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residence. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years and, in many cases, citizenship ultimately still may be denied to the husband and children. Such children become stateless and, if they do not hold legal residency, lacked the rights of citizen children, such as the right to attend school or seek other government services.

Civil law grants women equal pay for equal work, but in practice this law often was ignored. Press and union leaders reported during the year that a small number of employers in the private sector reportedly paid their female employees well under the legal minimum wage, despite the fact that the women were under contract.

Social pressures discouraged many women from pursuing professional careers. Nonetheless, women had employment opportunities in many professions, including government, engineering, medicine, education, the military, and law. According to 2001 NGO reports, women constituted approximately 16.5 percent of the work force and 50 percent of university students. While female employees held approximately 52 and 39 percent of jobs in the education and health sectors respectively, they held only 7.5 percent of managerial posts and 10 percent of all jobs in the private sector. Women's groups stressed that the problem of discrimination was not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The Business and Professional Women's Club held seminars on women's rights and assists women in establishing small businesses. The chapter also provided several programs for potential female voters and candidates for the upcoming 2003 parliamentary elections. Members of the royal family worked actively to improve the status of women.

Children.—The Government is committed to children's rights and welfare in the areas of education and health. However, government efforts in these areas were constrained by limited financial resources. Education is compulsory until the age of 16; however, no legislation exists to enforce the law or punish guardians for violating it, and absence of children from school is without penalty. The overall school attendance rate was 92 percent and the total secondary school attendance rate was 92 percent. Since the beginning of the 1999–2000 school year, the Government denied Iraqi children admittance to public school unless they were legal residents of the country or recognized as refugees by the UNHCR (*see* Section 2.d.).

The Government attempted to address the issues of educational development and quality, and the relevance of education to job-market demand, with few concrete results. The Government also grants fee reductions and food and transportation supplements to families with many children or to very poor families to make education more affordable.

Students must obtain a good behavior certificate from the GID in order to qualify for admission under the university quota system. Activists reported that the GID sometimes withholds these certificates from deserving students due to a family member's allegedly problematic record.

The Government provided free inoculation programs typically administered through the school system for children. In addition, children had access to government-subsidized public clinics, which offer reduced fees for most services.

In March 2000, Queen Rania established the National Team for Family Protection (NTFP) to consolidate all issues concerning family safety. In August 2000, the Government opened "Dar al Amman," the nation's first child protection center. The facility provides temporary shelter, medical care, and rehabilitation for children ages 6 to 12 years who have suffered abuse.

Although the problem was difficult to quantify, social and health workers believe that there was a significant incidence of child abuse in families, and that the incidence of child sexual abuse was significantly higher than reported. The law specifies punishment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the Public Security Department (PSD) works with victims and perpetrators of domestic and sexual violence. The Unit deals primarily with child and spousal abuse, providing multiple in-house services, including medical treatment for patients. The Unit cooperates with police to apprehend perpetrators of domestic violence, facilitates participation in education and rehabilitation programs, and refers patients to other facilities.

Illegitimate children are entitled to the same rights under the law as legitimate children; however, in practice, they suffered severe discrimination in a society that does not tolerate adultery or premarital sex. Most illegitimate children become wards of the State or live a meager existence on the fringes of society. In either case, their prospects for marriage and gainful employment are limited. Furthermore, illegitimate children who are not acknowledged legally by their fathers are considered stateless and are not given passports or identity numbers.

The Government attempts to safeguard some other children's rights, especially regarding child labor (*see* Section 6.d.). Although the law prohibits most children under the age of 16 from working, child vendors worked on the streets of Amman. The Ministry of Social Development has a committee to address the problem and in some cases removes the children from the streets, returns them to their families or to juvenile centers, and may provide the families with a monthly stipend. However, the children often return to the streets. Stagnant economic conditions and social disruption have caused the number of these children to increase over the last 10 years. Selling newspapers, tissues, small food items, or gum, the vendors, along with the other children who pick through trash dumpsters to find recyclable cans to sell, sometimes were the sole source of income for their families.

Persons with Disabilities.—High unemployment in the general population restricts job opportunities for persons with disabilities, estimated by the Ministry of Social Development to number 220,000. Thirteen percent of citizens with disabilities received monetary assistance from the Government. The Government passed legislation in 1993, reinforced in 2000, requiring future public buildings to accommodate the needs of persons with disabilities and to retro-fit existing public buildings; however, implementation has been slow.

The law requires that 2 percent of the available jobs be reserved for persons with physical disabilities. Private organizations and members of the royal family actively promoted programs to protect and advance the interests of persons with disabilities.

Indigenous Persons.—The country's indigenous people, nomadic Bedouin and East Bank town-dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy and are represented disproportionately in senior military, security, and civil service jobs. Nevertheless, many Bedouin in rural areas were severely disadvantaged economically. Many persons of East Bank origin complained that the dynamic private sector largely is in the hands of the Palestinian majority.

National/Racial/Ethnic Minorities.—Palestinians residing in the country, who made up more than half of the population, suffered discrimination in appointments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships. The Government granted citizenship to all Palestinians who fled to the country in the period after the 1948 Arab-Israeli war, and to a large number of refugees and displaced persons who arrived as a result of the 1967 war. However, most refugees who fled Gaza after 1967 were not entitled to citizenship and were issued 2-year passports valid for travel only. In 1995 then-King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year Jordanian passports. However, the

Government emphasized that these passports are for travel only and do not connote citizenship (*see* Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—Workers in the private sector and in some state-owned companies have the right to form and join unions. Unions must be registered to be considered legal. Union by-laws limit membership to citizens, effectively excluding the country's approximately 150,000 foreign workers. However, some unions represented the interests of foreign workers informally. Over 30 percent of the work force were organized into 17 unions. Although union membership in the General Federation of Jordanian Trade Unions (GFJTU), the sole trade federation, was not mandatory, all unions belonged to it. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. The Government cosponsors and approves the timing of these elections and monitors them to ensure compliance with the law. Union leaders complained about the requirement to have government oversight of their elections.

The GFJTU belongs to the Arab Labor organization, the International Confederation of Arab Trade Unions, and to the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—Unions have and exercise the right to bargain collectively. The Constitution prohibits antiunion discrimination, but the ICFTU claimed that the Government did not protect adequately employees from antiunion discrimination and that the Government has dismissed public sector employees for political reasons. Workers may lodge complaints of antiunion discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the Ministry of Labor during the year.

Labor laws mandate that workers must obtain permission from the Government in order to strike. Unions generally do not seek approval for a strike, but workers use the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the Ministry of Labor may refer the dispute to an industrial tribunal with agreement of both parties.

The tribunal is an independent arbitration panel of judges appointed by the Ministry of Labor. The decisions of the panel are legally binding. If only one party agrees, the Ministry of Labor refers the dispute to the Council of Ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

During the year, there were three strikes reported in the textile sector. These employees went on strike claiming that, among other issues, the employers failed to pay wages in a timely manner. There were other labor incidents during the year in the construction and cement sectors. In most cases, labor and management reached agreements quickly, and the Government assisted in mediating disputes.

The national labor laws apply in the free trade zones in Aqaba and Zarqa. The QIZs (Qualified Industrial Zones), or export zones which produced manufactured goods with at least 8 percent Israeli input, applied national labor laws as well.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids bonded labor, except in a state of emergency such as war or natural disaster, and it generally was not practiced. However, foreign domestic servants, almost exclusively female, often were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor (*see* Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices were not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law forbids children under the age of 16 from being employed, except as apprentices, and prohibits children under the age of 17 from working in hazardous jobs. Children under the age of 18 may not work for more than 6 hours continuously, between the hours of 8 p.m. and 6 a.m., and during weekends, religious celebrations, or national holidays. Provisions in the labor laws do not extend to the informal sector, which consists of agriculture, domestic labor, and family businesses.

According to the law, employers who hire a child under the age of 16 must pay a fine ranging from \$140 to \$710 (100 to 500 dinars). The fine is doubled if the offense is repeated. However, the Government did not provide training for government officials who are responsible for enforcing child labor laws and did not enforce laws regarding child labor during the year. All child labor enforcement responsibilities rest in the hands of 85 Ministry of Labor inspectors. Government officials claimed that if children were barred from working in practice, they will lose important in-

come on which their families depend, and may turn to more serious activities, such as drug trafficking and prostitution, for income.

In late 1999, the Ministry of Labor established a new division to deal with issues of child labor. The division was established to receive, investigate, and address child labor complaints and related issues. Assistance received from the International Labor Organization (ILO) and increases in the Government's funding for the Ministry of Labor this year and in 2001, allowed the Ministry to staff the division.

Financial assistance received from ILO during the year and in 2001 supported government efforts to implement the provisions of ILO Convention 182 on Elimination of the Worst Forms of Child Labor. Government policy also facilitated the work of NGOs in this area. There were no specific mechanisms for receiving, investigating, or addressing child labor complaints relating to allegations of the worst forms of child labor.

Anecdotal evidence suggested that child labor, especially of child street vendors, was more prevalent now than it was 10 years ago due to declining economic conditions (*see* Section 5).

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

e. Acceptable Conditions of Work.—The national minimum wage was \$121 (85 dinars) per month for all workers except domestic servants, those working in small family businesses and those in the agricultural sector. The national minimum wage did not provide a decent standard of living for a worker and family. The Government estimated that the poverty level was at a monthly wage of about \$125 (89 dinars) per month for a family with 7.5 members. A study completed by the Ministry of Labor in July 1999 found that 18.7 percent of the population lived at or below the poverty level and that 1.5 percent lived in "abject" poverty, defined by the Government as \$58 (40.5 dinars) per month for a family with 7.5 members. The Government provides minimal assistance to at least 45,000 indigent families.

The law requires overtime pay for hours worked in excess of the standard workweek, which generally is 48 hours. Hotel, restaurant, and cinema employees may work up to 54 hours per week. Workers may not work more than 10 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week.

The law specifies a number of health and safety requirements for workers, which the Ministry of Labor is authorized to enforce. The law does not require employers to report industrial accidents or occupational diseases to the Ministry of Labor. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

Labor law does not apply to the agricultural sector, small family businesses, or domestic servants. Domestic servants do not have a legal forum to address their labor grievances and have no standing to sue in court for nonpayment of wages. Abuse of domestic servants, most of whom were foreign, was widespread. Imprisonment of maids and illegal confiscation of travel documents by employers was common. Victims, who fear losing their work permits and being returned to their home country, generally did not report complaints of beatings, insufficient food, and rape to officials. Domestic servants generally were not given days off and frequently were called upon to work at any hour of the day or night.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in women or men and the practice was not known to occur. A 1926 law specifically prohibits trafficking in children. There were no reports that persons were trafficked, to, from, or within the country.

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by princes (Amirs) drawn from the Al-Sabah family. The Al-Sabahs have governed in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected National Assembly and details the powers of the Government and the rights of citizens, although the Constitution also permits the Amir to suspend any or all of its provisions by decree. Only 14.8 percent of citizens (males over the age of 21) have the right to vote. The most recent general election, held in July 1999, was conducted as provided in the Constitution after the Amir dissolved a gridlocked National Assembly. A by-election was held in December 2000 to fill the seat of a deceased Member of Parliament (M.P.). In both cases, the election campaigns were generally considered to be free and fair; however, there were some problems. Executive and legislative leaders continued to develop political

institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

Citizens do not have the right to change their government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the National Assembly rejects his nominee, the Amir then submits three names, from which the Assembly must choose the new Crown Prince. The Amir traditionally has appointed the Crown Prince to be Prime Minister, although this is not mandatory; the Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated the ability at times to influence or overturn decisions of the Government. Members regularly require ministers to appear before the full Assembly for formal question sessions when they are dissatisfied with the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers. In July the Minister of Finance survived a "no-confidence" vote.

The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments was subject to government approval.

The national police, the Criminal Investigation Division (CID) and Kuwait State Security (KSS) were responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves, the economy was highly dependent on its energy sector. The Government owned the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominated the local economy through direct expenditures and government-owned companies and equities. Oil revenue provided about 85 percent of total government revenues. According to government statistics, 93 percent of the indigenous workforce was employed in the public sector, while foreigners constituted 94 percent of the private sector workforce. Within a total population of 2.3 million there were 870,000 citizens who enjoyed one of the highest standards of living in the world. Domestic servants and unskilled workers often lived and worked in poor conditions.

The Government generally respected the human rights of its citizens in many areas, and there were some improvements during the year; however, its record was poor in some significant areas. Some police and members of the security forces abused detainees during interrogation. Overcrowding in the prisons continued to be a problem; however, the Government completed construction on two new prison buildings and began constructing a third.

The judiciary was subject to government influence, and a pattern of bias against foreign residents existed. The Government infringed on citizens' privacy rights in some areas. Security forces occasionally monitored the activities of persons and their communications. The Government restricted freedom of speech and the press. The Government restricted freedom of assembly and association. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially foreign domestic servants, were problems and discrimination against noncitizens persisted.

A problem existed with regard to the legal status of approximately 74,000 "bidoon," Arabs with residency ties but no documentation of their nationality. The Government restricted worker rights. The Labor Law did not protect domestic workers, whose situation remained poor. Unskilled foreign workers suffered from the lack of a minimum wage in the private sector, from the Government's failure to enforce the Labor Law, and at times physical abuse; some worked under conditions that, in effect, constituted indentured servitude. Young boys, usually from South Asia, were used as jockeys in camel races. Kuwait was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remained unresolved, particularly the fate of 605 citizens and other residents taken by Iraq who were still unaccounted for at year's end.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the investigations into the extrajudicial killings that occurred during the period after the country's liberation in February 1991.

b. Disappearance.—There were no reports of politically motivated disappearances. According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 605 citizens and other residents taken prisoner during Iraq's occupation of the country. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks regarding the fate of the detainees. UNSCR 1284 later that year called on Iraq to resume its cooperation with the ICRC and the Tripartite Commission on Gulf War POWs and Missing Persons (TPC). The U.N. Secretary General's special representative, Yuli Vorontsov, has repeatedly reported to the U.N. Security Council Iraq's continued refusal to cooperate with the U.N. regarding these cases. However, in December, the TPC held its first official meeting since 1998, with Iraq participating by long distance.

In connection with the case of a government official who was detained in Iraq on March 15th for inadvertently crossing the border, there were reports that indicated that there were Iraqi citizens being detained for entering the country by mistake as well.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there continued to be credible reports that some police and members of the security forces abused detainees during interrogation. Reported mistreatment included blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

In February a police officer was sentenced to death for the March 2001 murder of a news editor. The police officer believed that the editor had insulted the officer's tribe in articles written and published by the editor.

The Government stated that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government did not make public either the findings of its investigations or what, if any, punishments were imposed. This practice created a climate of impunity, which diminished deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely did not reveal their identity during interrogation, a practice that further complicated confirmation of abuse.

In February security personnel allegedly abused a youth, Yousef Al-Anzi, while in police custody. Al-Anzi's family submitted a medical report to document the boy's claims. A case file was assigned to the courts and was pending judicial review at year's end. The security counsel reportedly asserted pressure on the family to withdraw the claim. Also in February, security personnel assaulted an attorney from the Criminal Security Department when he was visiting a client. He submitted a medical report detailing his injuries and filed a police complaint against the officers involved. In March, a 32-year old Egyptian man alleged that Jleeb al-Shuyoukh security personnel tortured him. On March 12th, the Kuwait Lawyers Association issued a statement condemning recent abuse of prisoners by Ministry of Interior officials.

Prison conditions, including conditions for those held for security offenses, met or exceeded international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Overcrowding in the prisons continued to be a problem; however, the Government neared completion of two new prison buildings, and finalized plans for three additional buildings. A team of three medical specialists attended the prisons weekly, a psychiatrist was on call 24 hours, and specialized health care was available from local hospitals. Approximately 1,815 men and 108 women were serving sentences or awaiting trial in prison; detainees were counted separately.

Unlike in the past, there were no reports of mistreatment of prisoners at the Talha or Central Prisons, at the Shuwaikh deportation facility, or elsewhere. An estimated 250 deportees were being held at the deportation facility in Shuwaikh; some

of these deportees have been kept there for up to 6 months waiting for their proper identity papers or for their country of nationality to accept them (*see* Section 1.d.).

In July it was reported that hundreds of prisoners at the Central Prison were infected by tuberculosis. A family of 15 tested positive for tuberculosis after visiting the Central Prison.

Drug-related offenders made up 70 percent of the Central Prison inmate population. In addition to nearing completion on the first two of five new prison buildings, the Director of Prisons also increased prison staffing, expanded the drug rehabilitation program for inmates, and increased the number of education programs available within the prisons, bringing in volunteers to teach academic and vocational classes.

In September, the Central Prison Rehabilitation Center opened. The Center offered psychological counseling and educational courses to inmates suffering from drug and alcohol addiction.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the International Commission of the Red Cross (ICRC) access to all prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for freedom from arbitrary arrest and detention, and the Government generally observed these prohibitions. In general, police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (*see* Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detained persons at checkpoints in Kuwait City (*see* Section 2.d.).

Under the Penal Code, those suspected of serious crimes may be held for up to 4 days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but are not to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

Of the 2,386 persons serving sentences or being detained pending trial, 63 were being held on security grounds. Of the members of a suspected indigenous terrorist cell who were arrested on security grounds in November 2000, there is no information available on how many were acquitted of charges and released during the year. The leader of the group received a 7-year sentence in December 2000; the other three members were scheduled to face charges of conspiracy to commit murder and illegal possession of weapons.

The Government may expel noncitizens, including bidoon, if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There were approximately 13 bidoon and 758 foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 6 months. Many deportation orders were issued administratively, without the benefit of a trial. However, the Government did not return deportees to their countries of origin forcibly, allowing those who object to remain in detention (*see* Section 2.d.). This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. The practice also was a factor in the complex problem faced by stateless bidoon deportees, who essentially remained in detention because their stateless condition made the execution of the deportation order impossible (*see* Sections 2.d. and 5).

The Talha Deportation Center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum-security prison in March 2000. There were no allegations of the forced, prolonged detention of deportees in the facility during the year (*see* Section 1.c.).

The Constitution prohibits deportation or forced exile of citizens, and there were no reports of these practices. The Penal Code provides that noncitizens convicted of felonies must be deported after finishing their jail terms. However, in certain circumstances, citizens may have their citizenship revoked, including citizens sentenced for a felony during the first 10 years of attaining citizenship, citizens discharged from a public job for acts against integrity during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

e. Denial of Fair Public Trial.—The Constitution provides for the right to a fair trial and states that “judges shall not be subject to any authority”; however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges were noncitizens. Noncitizen judges hold 1- to 3-year renewable contracts, which undermined their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal dis-

putes with citizens frequently claimed that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. The Government established in 2000 a Shi'a appellate court that operated throughout the year. In the secular courts no groups were barred from testifying. Most courts considered men and women's testimonies equally; however, in the family courts the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants asked for and received pro bono counsel, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In March 2001 the Court of Cassation commuted a 1993 military court's death sentence to a life sentence for Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation. The Chief Justice determined that Hussein expressed guilt and remorse for his actions by returning voluntarily to the country, and in May 2000 the Court commuted his sentence from death to life. The trial appeared to have been conducted in a fair and open manner.

The Government continued to incarcerate 31 citizens, bidoon, Palestinians, and Syrians convicted of collaboration with Iraq during the 1990–1991 occupation. Under the law, such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International (AI) faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for individual privacy and sanctity of the home. The Government generally respected these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge (*see* Section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens to obtain government approval to marry foreign female citizens. Although the Government may advise men against marriage to a foreign national, there were no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (*see* Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with some exceptions, citizens are free to criticize the Government at public meetings and in the media; however, several laws empower the Government to impose restrictions on freedom of speech and the press, and journalists practiced self-censorship. During the year no court cases were initiated under the restrictive laws. The Government, through the Ministry of Information, practiced informal censorship by pressuring individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing subjects deemed offensive to Islam, tradition, or the interests of the State.

Newspapers were privately owned and free to report on many social, economic, and political issues and frequently criticized government policies and officials, including the Crown Prince/Prime Minister. Press accounts at the beginning of the year, which questioned and criticized the Government, led to National Assembly

members calling for formal question sessions of several cabinet members. Such actions may lead to votes of no confidence against Ministers, as well as their removal from office.

The Government ended prepublication censorship in 1992, but journalists still censored themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that served to "attack religions" or "incite people to commit crimes, create hatred, or spreads dissension among the populace." Direct criticism by the press of the Cabinet's foreign and security policy occurred during the year as in other years.

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically. It is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

In January police confiscated film belonging to a press photographer who was covering a public disturbance. Police officials did not provide any explanations regarding the action taken towards the press photographer.

As of the end of 2001, two journalists Fawwaz Muhammad al-Awadi Bessiso and Ibtisam Berto Sulaiman al-Dakhil, were jailed in the country. Both had been imprisoned in June 1991 and later sentenced to life in prison because of their work with a newspaper that was published under Iraqi occupation. Both of these journalists remained in prison despite the release by royal decree of other journalists who had worked for the same newspaper. Since the Government agreed to release the two journalists if a third country would accept them, the ICRC was processing paperwork to have the two reporters deported to Ireland.

The Government did not censor foreign journalists and permitted them open access to the country.

The Government did not threaten to shut down any newspapers during the year. In 2000 the Government attempted to close two newspapers, charging them with publishing false information. After significant public criticism, particularly by the National Assembly, the Cabinet decided not to shut down the papers. The criticism led to the offer of resignation by the Cabinet in March 2000, which was not accepted at that time, and to proposals by National Assembly members to amend the constitutional article that permits government suspension of publications without review by the Assembly or the courts; however, no action was taken to amend the article.

The law requires jail terms for journalists who ridicule religion (*see* Section 2.c.). For 3 consecutive years, there have been no prosecutions of print or broadcast journalists for ridiculing religion. There were no prosecutions of persons or publishers related to book publications during the year. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In September 2001, a private citizen filed criminal charges against a university professor for speaking and writing about lesbianism and homosexuality; the case remained in adjournment at year's end.

The Government owned and controlled the local radio and television companies. Satellite dishes were widely available, and operated without restriction. The Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry censored media for political content as well and did not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controlled the publication and distribution of all informational materials.

The Internet was technically accessible; however, serious consequences resulted from some forms of Internet use, and the ability of many café owners to provide the service was reportedly under threat. There reportedly are 165,000 regular Internet users, representing 8.5 percent of the total population. The Ministry of Communications issued new directives to Internet service providers to block "immoral" sites and some political sites. Internet providers responded by installing filtering technology. Each Internet service provider determined what sites to block, within the framework of censorship norms. Under pressure from Islamic members of the National Assembly, the Ministry of Communications in May conducted a raid on 19 Internet cafes on the basis that the Internet cafes were not installing filtering software to block "immoral" sites as ordered in earlier directives. As a result of the raids, the Ministry of Communications issued new rules regulating Internet usage. The new rules require café owners to obtain the names and civil ID numbers of customers

and to submit that information to the Ministry as requested. The law also establishes a \$162,500 (50,000 dinars) bond. Press reports indicate that 90 percent of the Internet cafes would not be able to comply with the new law and would be forced to close their doors.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing or otherwise. There is no formal government censorship of university teaching, research, or publication. However, academic freedom is limited by self-censorship and academics were subject to the same restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, social and political gatherings of men, known as “diwanias,” are protected by the Constitution. Most adult male citizens, including the Amir, members of the Government, and members of the National Assembly hosted or attended diwanias, where topics of current interest were discussed. The diwaniya system contributed to the development of political consensus and official decision making. Women were not precluded from holding diwanias; however, such diwanias were uncommon. By tradition women were barred from male diwanias.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The Government banned political parties; however, several unofficial blocs, acting much like parties, existed and were active in the National Assembly. Candidates were allowed to run for elections only as individuals, not under the banner of any entity (*see* Section 3).

All nongovernmental organizations (NGOs) must obtain a license from the Ministry of Social Affairs and Labor in order to be recognized officially. The Government uses its power to license as a means of political control and has tightened control since October 2001. There are 74 NGOs waiting licensing by the Ministry. The Ministry has licensed 51 NGOs, including professional groups, a bar association, and scientific bodies; however, since 1985, it has issued only 5 new licenses. Licensed NGOs received government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has disapproved other license requests on the grounds that previously established NGOs already provide services similar to those proposed by the petitioners (*see* Sections 2.d. and 4). Members of licensed NGOs must obtain permission from the Ministry before attending international conferences (*see* Sections 2.d. and 4). There were no cases of the Government denying or barring representatives of licensed NGOs from attending international conferences.

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. They did not receive government subsidies. In 1999, in accordance with a 1993 decree that ordered unregistered NGOs to cease activities, the Government announced a crackdown on unlicensed branches of NGOs, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (*see* Sections 2.c. and 4). However, in August 2001, the Government undertook efforts to prevent unlicensed charity collections by persons fraudulently misrepresenting themselves as part of charity groups. The Government subsequently intensified its supervision of all charity groups as part of its effort to prevent any diversion of funds to terrorists. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and Labor. The new department will regulate domestic charities based in the country by reviewing their applications for registration, monitoring their operations, and establishing a new accounting system to comply with regulations governing charitable operations (*see* Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, “provided that it does not conflict with public policy or morals.” Islam is the state religion. The Constitution states that Shari’a (Islamic law) is “a main source of legislation.

The procedure for registration and licensing of religious groups was unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government

entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further, by tradition three of the country's churches are recognized widely as enjoying full recognition by the Government and are allowed to operate compounds officially designated as churches: the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Protestant Church of Kuwait. The other four churches reportedly were allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities, all without interference from the Government; however, according to government records, their compounds were registered only as private homes.

The procedures for the registration and licensing of religious groups also appeared to be connected with government restrictions on NGOs, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order never has been enforced; however, since that time all but five applications by NGOs have been frozen (*see* Section 4). There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and Labor. The new department will regulate religious charities based in the country by reviewing their applications for registration, monitoring their operations and establishing a new accounting system to comply with regulations governing charitable operations (*see* Section 2.b.). At the end of the year, the Government announced that it would close any charities that had not obtained licenses.

The Government discriminated in some instances against the Shi'a minority. They have been disadvantaged in provision of mosques and in access to religious education. Shi'a were underrepresented in high government positions.

Shi'a were free to conduct their traditional forms of worship without government interference. However, there still were complaints regarding the scarcity of sufficient Shi'a mosques and the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. There were approximately 36 Shi'a mosques serving the Shi'a population in the country, compared to 550 Sunni mosques. In 2001 the Government began to address such concerns by licensing the construction of three new mosques; two of these approved mosques were under construction at year's end.

In addition the Government took steps toward greater equality for Shi'a by instituting a separate appellate court to try Shi'a family law cases and by agreeing to establish an independent Shi'a charity authority comparable to the Sunni Awqaf and nongovernmental entities.

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. Shi'a reportedly no longer expressed concern that proposed legislation concerning Zakat and the Islamic Penal Code failed to take into account Shi'a specific beliefs; if the laws are passed without Shi'a input, Shi'a may be excluded from enforcement measures.

Members of religions not sanctioned in the Koran, such as Sikhs, Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly nationals of Southeast Asian countries, that they would receive better treatment from employers as well as society as a whole if they converted to Islam. However, others did not see conversion to Islam as a factor in this regard.

The Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, and Coptic Orthodox Churches were able to operate freely on their compounds, holding worship services without government interference. The leaders of these churches stated that the Government generally was supportive of the churches' presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and

Indian Orthodox), while not recognized legally, were allowed to operate in private homes or in the facilities of recognized churches without government interference, provided that they did not disturb their neighbors and did not violate laws regarding assembly and proselytizing.

The Government prohibited proselytizing Muslims; however, Christian churches may serve non-Muslim congregations. The law prohibited organized religious education other than Islam; however, this law was not enforced rigidly and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were reports that government “inspectors” periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam was taking place.

The Government did not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches published religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provided informal instruction to persons interested in joining the clergy.

A private company, the Book House Company Ltd., was permitted to import significant amounts of Bibles and other Christian religious material—including videotapes and compact discs—for use solely among the congregations of the country’s recognized churches. The Book House Company was the only bookstore that had an import license to bring in such materials, which also required approval by government censors. There were reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), were allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (*see* Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those who most likely would have been left in the mother’s custody if she were Muslim.

The law requires jail terms for journalists who ridicule religion (*see* Section 2.a.). However, unlike in previous years, there were no cases during the year of writers being threatened or charged with publishing opinions unmindful of Islamic norms.

The Papal Nuncio resided in Kuwait City and also represented Vatican interests in the other Gulf States and Yemen. The Church viewed the Government’s establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide for the rights of freedom of movement, freedom of travel, and freedom to immigrate. The Government placed some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their workplace as desired. Unmarried women 21 years of age and older were free to obtain a passport and travel abroad at any time; however, married women who apply for passports must obtain their husbands’ signatures on the application form. Once she has a passport, a married woman does not need her husband’s permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father’s permission to travel outside of the country. Citizens were free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints at which they may detain individuals (*see* Section 1.d.). The checkpoints were mainly for immigration purposes and were used to apprehend undocumented aliens. In July the Ministry of the Interior allowed expatriates a 45-day grace period to legalize their residency status or to depart the country without facing possible legal action.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. Members of licensed NGOs must obtain government approval to attend international conferences as official representatives of the NGO (*see* Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (*see* Sections 2.d. and 5). In January

a bidoon was arrested at a border post and charged with attempting to leave the country illegally.

The Government has abandoned its previous policy of limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In August 2001, the Interior Minister announced that there were no longer any special restrictions or permits required for Palestinian workers wishing to return to the country. At year's end, there were approximately 30,000 to 40,000 Palestinians, 30,000 to 40,000 Jordanians, and 4,000 Yemenis resident in the country.

While the Government permitted the ICRC to verify if deportees objected to returning to their countries of origin, it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country (*see* Section 1.d.).

There was no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport anyone who claimed a fear of persecution in their home country, but it often kept such persons in detention rather than grant them permission to live and work in the country (*see* Section 1.d.). There were no reports of the forced return of persons to a country where they feared persecution. The U.N. High Commissioner for Refugees (UNHCR) maintained an office in the country and had access to refugees in detention.

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

Citizens do not have the right to change their government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage; only about 14.8 percent of citizens have the right to vote. Women, and citizens naturalized for less than 20 years, may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir suspended constitutional provisions and dissolved the National Assembly from 1976–81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There were 50 elected National Assembly members. Members served 4-year terms, and National Assembly elections have been held on schedule since 1992. The Government banned political parties; however, several well-organized and unofficial blocs, acting much as political parties, existed and were active in the National Assembly. The Government acknowledged and, at times, worked with these blocs, which were organized on the basis of common ideological goals. Most political blocs joined to form coalitions during the year. The coalitions issued platforms and expressed an intention to run together in the next elections. Several called for formal recognition as political parties, although the Government indicated that it was not prepared to acknowledge them as such. Because of the ban on political parties, Assembly candidates must nominate themselves.

The Constitution empowers the National Assembly to overturn any amiri decrees made during its dissolution, and the Assembly has done so in some cases. During its first session of 1999, the National Assembly rejected 35 of 60 amiri decrees issued during the dissolution of the Assembly, including the decree providing for women's political rights. The National Assembly did not amend any amiri proposals during the year.

In December 2000, a by-election was held to fill the seat of a deceased assembly member. The election campaign was considered generally free and fair. Press reports cited allegations of vote buying leveled at the candidate who won the election; however no official accusations were made.

In February 2001, the Cabinet resigned after a number of its members were scheduled for intense formal questioning by the National Assembly. At the request of the Amir, the Prime Minister formed a new government that included changes in key ministerial positions.

In October 2001, various assembly members proposed formal questioning of four ministers. In the most serious case, the Minister of Oil was accused of being an agent for a foreign petroleum company because his wife was allegedly on the company's payroll. Liberal assembly members complained that Islamists were using the threat of formal questioning to change government policy on specific issues, such as regulation of Islamic charities and gender segregation.

Women did not have the right to vote and had little opportunity to influence government. A May 1999 amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the National Assembly election scheduled for 2003, and to hold cabinet office. However, in November 1999, the Parliament vetoed the May decree, based in part on the Amir having bypassed the Assembly by introducing the change while the Assembly was not in session and in part on traditionalist resistance to women's suffrage. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by assembly members. In June 2001, a poll of university students showed that 84 percent of female students and 65 percent of male students favored women's suffrage. Women did hold some relatively senior nonpolitical positions within some ministries.

There was one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 were Shi'a, as was the armed forces Chief of Staff.

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

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (*see* Section 2.b.). Since 1985 the Government has issued only five licenses. The only local human rights NGO in operation was the Kuwait Human Rights Society. The Government refused other license requests on the grounds that previously established NGOs already provided services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the Government to attend international conferences as official representatives of the NGO; however, there were no cases of NGOs being restricted from attending any conference during the year (*see* Sections 2.b. and 2.d.). NGOs cannot receive foreign funding without government authorization.

The Government has not shut down any unlicensed NGOs since early 2000. In August 2001, the Government began prohibiting public collection boxes for unlicensed Islamic charities to prevent potential misuse of funds (*see* Sections 2.b. and 2.c.).

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported excellent communication with and reasonable cooperation from the Government. For example, AI and Human Rights Watch regularly exchanged information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War. In 2000 the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights.

The Government cooperated closely with the International Labor Organization (ILO), which sent two senior officials in November 2001 to advise them on how to improve the labor situation within the country. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were being reviewed by the Legal Advice and Legislation Department at year's end.

The National Assembly has an active Human Rights Committee, which took testimony from individuals regarding abuses, investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems. In July 2001, the committee announced that it would publish an annual report on human rights in the country; however the report had not been published at year's end.

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

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, many laws and regulations discriminated against women and noncitizens, who faced widespread social, economic, and legal discrimination.

Women.—Violence against women was a problem. Each of the country's 50 police stations reportedly received on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involved spousal abuse of noncitizen women. The police and the courts generally sought to resolve family disputes informally. The police referred serious cases to the Ministry of Health. The courts have found husbands guilty of spousal abuse.

Rape and sexual assault remained serious problems, particularly for foreign domestic servants or unskilled workers. The police occasionally arrested rapists who held their victims for a period of days, raping them repeatedly. The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs. In January, the court upheld a 15-year prison sentence handed down to a police officer who kidnaped and raped a woman. In June, three Bangladeshi men convicted of the 1996 rape and murder of a Sri Lankan housemaid were hanged. There were 10 reported incidents of gang rape during the year.

Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers and male coworkers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. There were reports of domestic servants killing children that were fathered by employers. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There were also dozens of reports of domestic workers committing or attempting to commit suicide because of desperation over poor working conditions. In general these involved hanging or jumping from windows.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. A specialized police facility investigated some complaints and provided some shelter for runaway maids (see Sections 6.c. and 6.e.).

There were a number of pending cases in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. In April, an Indian maid was beaten severely and tortured over a period of several months by her sponsor's family members, including the children of the sponsor. The maid suffered severe head trauma that included nearly having her ear amputated at the hands of the sponsor's family. The wife of the sponsor was arrested and was awaiting trial at year's end. The maid has since returned to her home in India. The case prompted considerable public concern.

In April, a citizen woman was sentenced to 7 years in jail for beating her Indonesian maid to death with a vacuum cleaner. Three of her children were acquitted. There were no new developments in the kidnap, rape, torture, and beating of a group of four domestic workers allegedly by state security employees in June 2000.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (see Sections 6.c. and 6.e.). At any given time, nearly 1,000 women were reported to be in embassy shelters.

Unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were at least three reports during the year of procurers kidnaping maids off the street and forcing them into prostitution.

"Honor" crimes are not considered acceptable and there is no provision in the Criminal Code that allows for leniency in such cases. In May, three men and one woman were arrested for taking part in an 'honor killing' that resulted in the death of a 6-year old female citizen. The killing was allegedly planned to avenge the honor of the arrested woman's family after it was discovered that the woman had a sexual relationship with the victim's brother. The case was under appeal at year's end.

There have also been reports of women, mainly from Asia who have been trafficked and brought into the country to work as prostitutes. Many had initially been brought to the country as domestic servants (*see* Section 6.f.).

Women continued to experience legal and social discrimination. Women are denied the right to vote (*see* Section 3). Their testimony is worth half that of a man's in proceedings before the family courts (*see* Section 1.e.). Married women require their husbands' permission to obtain a passport (*see* Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (*see* Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In January, the Undersecretary of the Ministry of Education stated that the election law was the main hurdle to women's political rights. In February the Court of First Instance postponed a decision on the case of two women seeking the right to vote. On February 18, women participated in a march to be included in the electoral rolls. In March, the Interior and Defense Committee of the National Assembly rejected the women's suffrage bill on the basis that the Legislative and Legal Committee already had rejected it. In April the court postponed the case of a woman suing to register her name on the electoral roll.

Women traditionally are restrained from choosing certain roles in society, and the law restricted women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens worked for the state in office jobs. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 33 percent of citizen women of working age were employed. The law provided for "remuneration equal to that of a man provided she does the same work." This provision was respected in practice. A few women have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors.

There is no specific law that addressed "sexual harassment"; however, it was not reported to be a problem other than for domestic servants.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually was given to the mother. The law discriminated against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

In response to pressure from the National Assembly to comply with a law passed in 1996, the university increased the number of classes segregated by gender. Although deans have the option to leave higher level classes mixed if it can be justified because of lack of professors or classroom space, the number of mixed classes dropped during the year, and all freshman and sophomore classes are segregated by gender.

Polygyny is legal; however, it was more common among tribal elements of the population.

There were several women's organizations that followed women's issues, among the most active of which were the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

Children.—The Government is committed to the welfare of children. Citizen boys and girls received a free education, which extended through the university level, including advanced degrees. The Government provided free health care and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and additional fees for specialized care. Citizen parents also received a monthly government allowance for each child.

The marriage of girls under the age of 17 was uncommon among the urban population but remained a practice of the Bedouins in outlying areas. There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants (*see* Sections 6.c. and 6.d.).

Young boys from Bangladesh, Sudan, Eritrea are brought into the country to be used as camel jockeys (*see* Sections 6.c., and 6.d.). Many of the jockeys came to the country from racing during the season in other Gulf nations.

There is no societal pattern of abuse of children; however, there were some cases of male youths, some as young as 6 years old, raped by men or gangs of other male youths. There were incidents of arrests in some cases, but no convictions were reported.

Persons with Disabilities.—There was no institutionalized discrimination against persons with disabilities in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandated accessibility for persons with disabilities to all public facilities, and provided an affirmative action employment program for persons with disabilities. However, this law has not been implemented fully. The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrained from hiring persons with disabilities without reasonable cause. The Government paid extensive stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for noncitizens.

National/Racial/Ethnic Minorities.—The plight of the 74,000 bidoon remained a significant problem, and the Government continued to address the issue. The bidoon (a term meaning “without”) are Arabs who have residency ties to the country—some going back for generations, some for briefer periods—but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980s. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military; however, in July 2001, the Minister of Defense suspended action to force bidoon to resign from the Army. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers’ licenses, which made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon paid more for medical care than citizens do, although less than residents of other countries. The Government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country unless they received advance permission from the immigration authorities. Marriages posed special hardships because the offspring of male bidoon inherited the father’s undetermined legal status.

A law passed in June 2000 required bidoon to register by June 27, 2000 to begin the process under which they could be documented as citizens. The law provided that bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government currently has 122,216 bidoon cases on file. Of these, 30,824 officially have registered as bidoon and may be naturalized directly from bidoon status, if they are able to prove Kuwaiti nationality. However, the Government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to 1,647 during the year. However, an additional 5,500 bidoon in 3 categories—wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens—have been permitted to apply for citizenship beyond the 2,000 per year limit.

The Government has not stated clearly what will happen to bidoon unable to provide documentation proving sufficient ties. An Executive Committee in Charge of the Bidoon under the Ministry of Interior has been designated to resolve the issue. The Government had stated that those who did not register by the June 27, 2000 cut-off date and who did not rectify their status will be subject to deportation as illegal residents; however, no such action was taken during the year. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent applications, the Government brought forgery charges against 108 bidoon applicants for naturalization since July 2001. The only forgery conviction was in 2001.

Since July 2000, when the new law went into effect, 5,312 bidoon have been documented as citizens of other countries. Most have admitted to Saudi or Syrian origin. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also were credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality.

In June, the Council of Ministers and the Amir discussed a draft law which would require bidoon to submit a passport with a valid permit when applying for Kuwaiti citizenship. The Council of Ministers and the Amir approved the draft law and referred it to the National Assembly for ratification. A final vote on the law had not yet taken place by year’s end.

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to join unions. Nonetheless, the Government restricted the right of freedom of association by stipulating that there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 60,000 persons, less than 5 percent of a total work force of 1.27 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of whom must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector. Only 5.6 percent of employed citizens worked in the private sector. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have remained under consideration for more than 10 years.

A new draft Labor Law was submitted in November 2001 to the Council of Ministers. At year's end, the Council of Ministers Legal Affairs Committee was examining it.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The ILO has criticized the legal prohibition on any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to government statistics published during the year, 1,021,481 foreigners were employed in the country. They constituted over 80 percent of the work force but less than 5 percent of the unionized work force. The Labor Law discriminated against foreign workers by denying them voting rights and by permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not enforced. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law, which excluded domestic servants, could submit a grievance to the Labor Office regardless of union status. However, such services were not utilized widely.

In November 2001, two senior members of the ILO Secretariat advised the Government on how to improve its labor situation, including ratification of the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were under review by the Legal Advice and Legislation Department at year's end. In addition to other areas of ongoing concern, ILO officials also pointed to problem areas where the Government could make improvements, including low wages and widespread abuse of domestic servants, and the lack of a minimum wage for workers, who must pay health, education, and other fees to the Government. The ILO officials commended the Government for progress in increased freedoms for existing trade unions and improved rights for workers, such as sick leave and end-of-service benefits.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively, subject to certain restrictions (*see* Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and “laborers or their representatives” in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General’s office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers.

There were no strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced labor “except in cases specified by law for national emergency and with just remuneration”; however, many unskilled foreign workers were treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and bonded labor by children. However, there were reports of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (see Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers particularly were vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases employers exercised control over their servants by withholding their passports, although the Government prohibits this practice, and in some instances acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and at times encountered physical abuse (see Sections 5 and 6.e.). Domestic servants who ran away from their employers could be treated as criminals under the law. However, the authorities usually did not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of widespread visa trading, a system by which sponsors agreed to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$4,000 (451 to 1202 dinars). Middlemen, generally foreigners, used the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal sponsor. Once in the country, such workers were passed on to employers in the informal sector or found employment with parties that would otherwise be unable to sponsor them. Foreign workers who were recruited with these traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also left themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then are unable to find work. Government efforts to crack down on visa trading, such as closing front companies for visa traders, have not made significant progress. There were laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom were enforced. Unlike in previous years, there were no cases of enforcement.

For over 10 years, the ILO has criticized a 1979 legislative decree that requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work in a vocation of the prisoner’s choosing within the prison system. The ILO also was critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a max-

imum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

Article 42 of the Constitution prohibits forced labor, including forced or bonded labor by children. In addition, the Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. The Government has ratified 14 ILO conventions, including the conventions prohibiting servitude and forced labor, and its Labor Law enforced these conventions. Child labor was rare in the country; however, some South Asian and Southeast Asian domestic servants were under age 18 (see Sections 5 and 6.c.). Such underage workers reportedly falsified their ages in order to enter the country. There were reports of young boys being used as camel jockeys (see Sections 5 and 6.c.). Some small businessmen employed their children on a part-time basis.

e. Acceptable Conditions of Work.—The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. In June 2001, the visiting Bangladeshi Foreign Minister reported that Bangladeshi domestic workers earned as little as \$70 per month (21 dinars). There was no legal minimum wage in the private sector. In the public sector, the monthly minimum wage was approximately \$753 (227 dinars) for citizens and approximately \$300 (90 dinars) for noncitizens. However, noncitizens did not receive the same social benefits as citizens and must pay fees for education and health care, which were provided free for all citizens. Private sector wages ranged from \$10,000 (3,000 dinars) each month for top managers of large companies to between \$500 to \$2500 (150 to 750 dinars) for other skilled professionals and non-skilled workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$115 (35 dinars) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,500 (450 dinars) per month; this figure represented an 11 percent increase from 2001.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector, which consisted almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In July 2001, the Government initiated a new program of unemployment allowances for citizen graduates who are unable to find jobs in the public sector or with private companies, providing regular payments until such positions are found. Domestic servants, who specifically were excluded from the Labor Law, frequently worked long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions were not applied uniformly to foreign workers.

The Government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected installations to raise awareness among workers and employers, and to ensure that they abided by the safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who use new machines in specialized institutes, and reported violations. Workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, the Government never has devoted sufficient attention to worker safety issues, which has resulted in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

While the law mandates that all outdoor work stop in the event that the temperature rises above 122 degrees Fahrenheit, there were allegations that the Government's meteorological division falsified official readings to allow work to proceed; however, the Meteorological Division consistently has denied these allegations. During the months of July and August 2001, the official temperature was documented above 122 degrees Fahrenheit on several occasions, but work reportedly continued at many outdoor locations. At the Ahmadi Port refinery, work continued in intense heat despite the collapse of three workers. Refinery shift supervisors reportedly

asked for postponement of outdoor activities until the evening, but management refused their request.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue a legal remedy. They frequently faced contractual disputes and poor working conditions, and may face physical and sexual abuse (see Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country and had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment was limited, and, in some cases, employers' possession of foreign workers' passports allowed them to exercise control over such employees (see Section 6.c). Many foreign workers went heavily into debt and could not afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, which is paid in one lump sum rather than monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deducted the medical fees from employees' salaries. Adequate and affordable health care remained a problem for many foreign workers. No health insurance system existed.

Domestic servants were not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually did not prosecute them. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought help at their country's embassy for either repatriation or assistance in dealing with employers. The numbers of servants in need of assistance remained high during the year as conditions for domestic employees remained poor.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (see Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them altogether from working in the country as domestic servants. The Government of India officially banned its nationals from working in the country as domestic employees, but Indian nationals still buy visas and enter the country as domestic workers. In 2000 the Egyptian Foreign Minister warned women seeking employment in all Gulf countries to "exercise caution" and to avoid being forced into illegal activities. In June 2001, the Bangladeshi government lifted its ban on domestic servants coming to the country.

The courts find in favor of employees in an estimated 90 percent of the labor disputes they hear, but this success did not result in improved conditions for foreign workers. No legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as by withholding their passports, encouraging police intimidation and brutality, and filing criminal charges against them for fabricated crimes, such as theft.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnaping, and other acts could be used to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws.

In April a report on female foreign workers in the country showed that the migrants had been promised domestic work, but often were employed in other work. In addition, many were expected to provide sexual services in addition to their domestic services and a modest proportion were engaged in prostitution exclusively.

In three incidents during the year, procurers kidnaped domestic servants off the street and temporarily forced them into prostitution. In these cases, the kidnapers were arrested and the domestic servants released.

In 2001 police broke up several organized rings involved in prostitution and the trading of sex slaves. In one of the rings, approximately 100 prostitutes, along with their pimps and clients, were arrested. Fifty were young Asian women who had been traded as sex slaves.

LEBANON

Lebanon is a parliamentary republic, with a constitution dating from 1926, in which, based on the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in 2000, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. Although the judiciary was independent in principle, in practice, it was subject to political pressure.

Non-Lebanese military and paramilitary forces retained significant influence over much of the country. According to the 1989 Taif Accord, a peace settlement to end the civil war, the Syrian and Lebanese governments were to determine the redeployment of Syrian troops to specified areas of the Biqa' Valley, with full withdrawal contingent upon subsequent agreement by both governments. The Syrian government did not carry out this partial redeployment and has prevented implementation of other political reforms stipulated by the Taif Accord. Strong Syrian influence over local politics and decision makers made officials unwilling to press for further progress on fulfilling Taif agreements, including Syrian withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria did not reflect the will of most of the country's citizens.

In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. Approximately 22,000 Syrian troops were stationed in locations throughout the country, excluding the south. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently.

Until May 2000, Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). In 2000, after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and the SLA disbanded. Following the withdrawal, the Government deployed more than 1,000 police and soldiers to the former security zone. The Government did not attempt to disarm Hizballah, a terrorist organization operating in the region.

Palestinian groups operated autonomously in refugee camps throughout the country. Several armed Palestinian factions were located in the refugee camps, although their freedom of movement was restricted significantly. The Government did not at-

tempt to assert state control over the Palestinian camps; however, during the year it successfully took into custody fugitives who had sought refuge in the camps.

During the year, Hizballah, the influence of the Syrian government, and Palestinian groups all undermined the authority of the Government and interfered with the application of law in those areas not completely under the Government's control.

The security forces consisted of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforced laws, conducted searches and arrests, and referred cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collected information on groups deemed a possible threat to state security. The Surete Generale was responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that addressed national security issues and "morals." The security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials.

The country of approximately 4 million had a market-based economy, in which the majority of the private sector was employed in the service sector and in a small industrial sector. During the year, there was slow implementation of economic reforms, unfavorable domestic political developments, and continuing regional instability that led to nearly stagnant economic activity. Unemployment was estimated to be approximately 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who were critical of government policies. Despite a new Code of Criminal Procedure, enacted in 2001, lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom.

The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Violence and discrimination against women, abuse of children, discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems.

Palestinian groups in refugee camps maintained a separate, often arbitrary, system of justice for Palestinians living in the camps. Palestinians sometimes appealed to the country's authorities for legal recourse, often through both their Lebanese and Palestinian agents in the camps. Lebanon was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. On November 21, American citizen missionary Bonnie Witherall was killed at the Sidon health clinic where she worked. It is believed that Sunni extremists, possibly operating from the Ain Al-Hilwah Palestinian refugee camp, were responsible. However, no group has claimed responsibility for the killing and the case remained unsolved at year's end (*see* Section 2.c.).

On January 24, former Lebanese Forces Commander and former cabinet member Elie Hobeiqa and three of his bodyguards were killed when a car bomb exploded near Hobeiqa's residence. Five men were detained by the authorities for questioning but were later released. On May 21, Jihad Jibril, the son of the Secretary General of the Popular Front for the Liberation of Palestine-General Command, was killed when an explosive detonated inside his car. Two persons were in government custody in connection with the killings at year's end. Unknown groups claimed responsibility for the above killings. Also on May 21, the body of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces at the Lebanese University was found 14 days after he was discovered missing. No one has claimed responsibility for his death.

In March State Prosecutor General Adnan Addoum acknowledged that four persons had died in custody during 2000; a Sudanese asylum seeker and three SLA detainees died of natural causes. There were no reported deaths in custody during the year.

The judicial system continued to suffer from a backlog of hearings into cases of deaths in custody, some as old as 6 years. Such cases sometimes involved individuals connected to political groups or accused of criminal activity.

Following IDF withdrawal in 2000, violence in and around the former Israeli controlled security zone decreased significantly. However, there were a number of violent cross-border incidents since the withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements. No incidents resulted in civilian deaths during the year.

According to the LAF National Demining Office, there were approximately 400,000 landmines in the former security zone that had been occupied by Israel. The United Nations Interim Forces in Lebanon (UNIFIL) statistics on recorded landmines in the former security zone indicated that 50,644 antipersonnel mines were located in 108 minefields along the Lebanon-Israel border. Since the Israeli withdrawal, there have been 35 deaths and 192 injuries due to landmine accidents.

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

Since 1999 the Government has worked to investigate cases of disappearance during the civil war, concluding in September 2000 that all persons who disappeared at least 4 years before the end of the civil war were dead. However, in December 2000, following the release by the Syrian authorities of an estimated 149 Lebanese detainees from Syrian jails, including some who had been declared dead, the Government formed a new committee to reexamine the cases and received about 800 applications from family members.

In 2001 the Israeli government announced that the Israel soldiers kidnaped by Hizballah in 2000 were believed to be dead. During the year, Hizballah continued to maintain the position that it would release Israeli soldiers in return for the release of Arab prisoners held by Israel.

In October 2000, Hizballah kidnaped IDF reservist Elhann Tannenbaum. At year's end, he was still presumed to be detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. Violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Unlike in the past, there were no reported applications of electric shocks to the genitals.

In 2001, the Justice Minister publicly stated that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations." The Minister also added that the Government would adopt measures to eliminate the use of torture. By year's end, no measures had been taken.

The Government initially held incommunicado most of the 3,000 SLA personnel who surrendered to authorities following the IDF's May 2000 withdrawal; however, it subsequently allowed lawyers and family members to have access (*see* Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 2001 security forces arrested hundreds of supporters of exiled General Michel 'Awn, and detained Tawfiq Hindi, political advisor to former Lebanese Forces commander Samir Ja'ja. (*see* Section 1.d.). Some of those arrested claimed that officers had abused them. They also alleged that they were psychologically tortured when authorities threatened their families.

Abuses occurred in areas outside of the State's authority, including in Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals (*see* Section 1.d.).

Prison conditions were poor and did not meet minimum international standards. The Government did not allocate funds for prison reform.

In 2001 members of the Parliamentary Commission for Human Rights visited all prisons in the country except those controlled by the Ministry of Defense. The Interior Ministry denied the press permission to accompany the delegation. The Chair-

man of the Commission subsequently stated that “the health conditions of the prisoners are deplorable and require continuous care. We hope the women’s prisons will be emptied and the prisoners transferred.” He also indicated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2000 AI issued a report on prison conditions for women which highlighted numerous, serious human rights abuses, including torture, as well as the breach of legal rights of citizens. In response to public concern, the Prosecutor General appointed one of his senior aides to investigate allegations of torture and mistreatment of women in pretrial detention. In May, the Prosecutor’s office issued a communique denying all allegations of torture against women. The Government has made a modest effort to rehabilitate some inmates.

The Surete Generale, which is in charge of border posts, operated a detention facility. All detainees, mostly Egyptians and Sri Lankans, were detained there pending deportation. In 2001, the Surete Generale opened a new detention facility, which reportedly provided somewhat better conditions than the old facility. Their detention was supposed to be 1 to 2 months, pending the regularization of their status. However, some, mainly asylum seekers, were detained for more than a year.

Former Lebanese Forces leader Samir Ja’Ja’, who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection.

During the year, local journalists and human rights organizations were given access to certain prisons except those controlled by the Ministry of Defense. Following the Israeli withdrawal, the Government did not grant independent monitors access to former SLA soldiers in custody. In September the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year’s end ICRC had not done so because the Ministry of Defense had not granted permission.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, and there were frequent allegations of torture and mistreatment of detainees (*see* Section 1.d.).

Hizballah did not permit visits by human rights monitors to those persons in its custody. Men, women, and juveniles were held separately in government prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law requires security forces to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (*see* Section 1.e.). In 2001 the Parliamentary Commission for Human Rights stated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2001 the Parliament enacted and put into effect a new Code of Criminal Procedure. The new law provides greater legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest, unless there were witnesses to the crime, in which case the suspect may not be held in custody more than 24 hours. The period may be extended to 48 hours with the agreement of the public prosecutor’s office. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the new Code were not observed in practice. Some police and members of the judiciary have claimed that they were not properly informed of the new provisions.

Defendants had the right to legal counsel, but there was no state-funded public defender’s office. The Bar Association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested hundreds of citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (*see* Section 2.b.). The Government also detained, interrogated, and beat journalists (*see* Section 2.a.).

In 2001, security forces arrested, interrogated, and searched the homes of more than 100 citizens, predominately Christian supporters of exiled General Michel 'Awn, and jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. Most of the arrests and searches took place without warrants, and those arrested claimed that they were not given access to lawyers. The authorities allegedly forced most of them to sign affidavits stating that they would abstain from politics and released them within 2 weeks after their arrests. Some were blindfolded and forced to sign the affidavits without reading them; some of those who refused were beaten until they signed. Retired General Nadim Lteif, Coordinator of the Awnist movement, and Tawfiq Hindi, former political advisor of Samir Ja'Ja', were among those arrested. At least 77 of those detained were referred to both military and civilian courts (see Section 1.e.). All but five of those arrested were released within weeks. Two persons were held until November 2001, when they were released on bail. In March the court dropped all charges against them.

In February, six men were arrested and accused of spying for Israel on Hizballah, as well as on Lebanese and Syrian military positions and Lebanese political figures and financial institutions. In September, military tribunals sentenced the men to terms ranging from 1 year in prison to death. Hassan Hashem, a former official of the country's Shi'a Amal militia, was sentenced to 3 years of hard labor. One defendant tried in absentia received a death sentence.

On July 11, the military court of appeals sentenced Lebanese Forces political advisor Tawfiq Hindi and journalist Habib Younis to 15 months imprisonment for having established contacts with Israeli forces. The tribunal also convicted journalist Antoine Bassil for providing assistance to Israeli forces and sentenced him to 30 months. On November 9 and 16, respectively, Hindi and Younis were released.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000 (see Section 1.c.); however, lawyers and family members have since been provided access. The authorities often detained without charges for short periods of time political opponents and opponents of the Syrian government. Legal action against them remained pending; however, they were free to travel abroad.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians.

Unlike in 2000, there were no allegations during the year of the transfer of citizens by government authorities to Syria. By year's end, 9 of 54 persons turned over in 2000 to Syria remained in Syrian custody, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework. The Government formed a committee in 2000 to investigate cases of those who disappeared during the civil strife (see Section 1.b.). Although it was due to report on its findings by July, the committee had not done so by year's end.

Abuses occurred in areas outside of the State's authority, including the Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals.

During the year, there were no reports that Hizballah conducted arbitrary arrests in areas outside central government control.

Israel continued to hold 20 Lebanese citizens, including Sheikh Abed al-Karim Obaid and Mustafa Dirani, who had been held without charge since 1989 and 1994, respectively.

The law does not provide for forced exile, and it was not practiced regularly.

e. Denial of Fair Public Trial.—The judiciary was independent in principle; however, it was subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament, and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

The judicial system consisted of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice,

the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appointed all other judges based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

In general trials were public, but judges had the discretion to make a court session secret. Defendants had the right to be present at trial and the right of timely consultation with an attorney. Defendants had the right to confront or question witnesses against them but must do so through the court panel, which decided whether or not to permit the defendant's question. Defendants and their attorneys had access to government-held evidence relevant to their cases and had the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, had the same procedural rights as other defendants; however, there was no right to appeal in such cases. The testimony of a woman was equal to that of a man (*see* Section 5).

The Military Court had jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians could be tried for security issues, and military personnel could be tried for civil issues. The military court had two tribunals—the permanent tribunal and the cassation tribunal—the latter of which heard appeals from the former. A civilian judge chaired the higher court. Defendants on trial under the military tribunal had the same procedural rights as defendants in ordinary courts.

In 2000, the Military Court began trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. AI reported that such summary trials neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the files shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, more than 2,919 former SLA members had been tried and convicted. Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks under Article 273. Two persons who were implicated in the abuse and torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). 21 of these militiamen were tried while in government custody; 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. During the year, following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. During the year, no similar sentences were issued. There were no new reports that the Government or Hizballah subjected former SLA members who returned to their villages to regular harassment. On July 19, Mahmoud Salim Mahbouba filed a claim that armed individuals broke into his house and kidnaped his son, Mohammed, a former SLA member who was released from Roumeih prison after serving a 2-year sentence. By year's end, the Government had released all of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine.

In 2001 the State Prosecutor's Office requested that the Bar Association lift the immunity of lawyer Muhammad Mugarby to permit Mugarby's prosecution for criticizing the country's judicial system at a press conference. The Bar Association complied with the request; at year's end, Mugarby's challenge of the decision remained pending (*see* Section 2.a.).

In August 2001, the Government arrested without warrant Antoine Bassil, a correspondent for a Saudi Arabian television station, for his alleged association with Israeli officials. In July Bassil was sentenced to 30 months in prison by a military tribunal (see Section 2.a.).

In 2001, the Government arrested without warrant Habib Younis, the managing editor in al-Hayat's Beirut office, for his alleged association with Israel. Authorities referred his case to a military court, which indicted him for conspiring with Israel. Younis was sentenced to 15 months of imprisonment and was released on November 16 (see Section 1.d.).

In 2001 authorities referred at least 77 'Awn and Ja'Ja supporters to both military and civilian courts. Charges brought by the Military Prosecutor's Office included opposing the policy of the Government; disseminating the principles of an unauthorized political party; jeopardizing the country's relations with a friendly state; using oral and written statements not authorized by the Government; defaming the Syrian army's reputation; organizing meetings and activities of an unauthorized political party; and transmitting false and exaggerated information. Tawfiq Hindi, Ja'Ja's former political advisor was charged with collaborating with the Israeli enemy, forming an association to harm the State's authority, and damaging the country's relation with a sisterly nation (see Section 1.d.). In 2001 the Court of Cassation ruled that the military court did not have jurisdiction in 63 of the cases, which were transferred to a criminal court. At year's end, these cases were still pending in court. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (see Section 1.d.). At year's end, both cases remained pending.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the domicile; however, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. Laws require that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; however, in practice the law was not respected.

The Government and Syrian intelligence services used informer networks and monitored telephones to gather information on their perceived adversaries. The Army Intelligence Service monitored the movements and activities of members of opposition groups (see Section 2.b.). The Government conceded that telephone calls were monitored by security services but claimed that monitoring occurred only with prior authorization from competent judicial authorities.

Politicians and human rights advocates reported increasing and more overt government intelligence services' surveillance of political meetings and political activities across the religious and political spectrum. In 1999 the Parliament passed a law that authorized surveillance in national security and law enforcement cases but banned its use against government ministers and parliamentary deputies; however, the Government had not adopted the necessary implementing decrees by year's end.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also used informer networks and the monitoring of telephones to obtain information regarding their perceived adversaries.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. The Government censored television broadcasts on a case-by-case basis.

Although there were repeated attempts to restrict freedom of opinion and speech during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals were published throughout the country and were financed by various local and foreign groups. The press was privately owned and press content often reflected the opinions of financial backers.

The Government had several legal mechanisms at its disposal to control freedom of expression. The Surete Generale was authorized to censor all foreign magazines and nonperiodical works, including plays, books, and films, before they were distributed in the market. The law prohibits attacks on the dignity of the Head of State or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special tribunal empowered to try such matters. Moreover, the 1991 security agreement between Lebanon and Syria contained a provision that effectively prohibits the publication of any information deemed harmful

to the security of either state. In view of the risk of prosecution, journalists censored themselves on matters related to Syria.

In 1999 President Lahoud announced that under his tenure no charges would be brought against any journalist because of his writings or opinions; however, during the year the Government continued to harass, abuse, and detain journalists.

In January Surete Generale officers and plainclothes agents confiscated 650 DVDs at the Virgin Megastore. The titles confiscated included Rabbi Jacob, The Ten Commandments, Superman, and Jesus of Nazareth. The Surete General claimed that the confiscated merchandise was smuggled illegally through customs and contained material that slandered religion and public decency and contravened the boycott against Israel.

In January the Surete Generale imposed "prior censorship" on the Saudi-owned daily Asharq al-Awsat. In December 2001, the newspaper reported that President Lahoud escaped an assassination attempt while on vacation in Monte Carlo. The Beirut Public Prosecutor filed a lawsuit against the newspaper. The Minister of Information criticized the decision taken by the Surete and stated that "no prior censorship should be practiced on local newspapers." The case was still pending at year's end.

On March 25, the ISF beat several photographers who were taking pictures of a collapsed building in Beirut. The Minister of the Interior ordered an investigation to reprimand those responsible for the misconduct. No information was available about any punitive action at year's end.

On April 12, the Beirut Public Prosecutor pressed charges against the publisher of the International Herald Tribune (IHT) in Beirut, after the newspaper ran a pro-Israeli advertisement of the Anti-Defamation League. The charges were leveled at the publisher and editor-in-chief of the local English newspaper the Daily Star who is the IHT legal representative. At year's end, the case remained pending in court.

In August, the Beirut Public Prosecutor filed a lawsuit against the chairman and news editor of Lebanese Broadcasting Corporation International (LBCI) for having "instigated sectarian discord and threatened civil peace" during its coverage of a shooting incident in which eight employees of the Ministry of Education were killed. The station's news coverage of the event focused on the fact that the shooter was a Shi'a Muslim, whereas seven of the eight who were killed were Christians. In August the Beirut Public Prosecutor charged the Murr Television Station (MTV), its political news director, and the host of "Referendum" political talk show with "broadcasting material whose nature is to damage ties to a sisterly nation" (Syria) and "assailing the dignity of the President, slandering the security services and undermining social order." At year's end, the case remained pending in court.

On September 4, the Publications Court ordered the closure of MTV and RML radio, citing Article 68 of the Parliamentary Election Law, which stipulates "complete closure" for broadcasting election propaganda during the campaign period. ISF and army troops closed the station's headquarters shortly after the decision. The court ruled against an appeal to reopen the stations on October 21. On December 27, the court denied a second appeal.

In September State Prosecutor Addoum announced that he would examine declarations made by opposition members in Lebanon and abroad after the Christian Maronite World Congress held in Los Angeles in June, including TV interviews and press statements, in search of elements which could incriminate them. This included statements about Syria and the Syria Accountability Act. Addoum ordered security agencies to gather information about opposition activities outside Lebanon.

In August 2001, the Government brought charges against Joseph Nasr, the editor in chief of the daily newspaper An-Nahar, and Rafi Madayan, the author of an article published in that newspaper that the Government deemed insulting to the military. The Government also brought charges against the weekly newspaper Al-Watan Al-Arabi for having published news that it deemed insulting to the Lebanese and Syrian armies. The cases had not been tried by year's end.

In August 2001, the army's intelligence services arrested without a warrant Antoine Bassil, a correspondent for the Saudi Arabian television station Middle East Broadcasting Corporation (MBC). In December 2001, a court indicted Bassil on charges of contact with the enemy, entering Israel, forming an association to harm the State's authority, and damaging relations with a sisterly country. In July the military court found him guilty and sentenced him to 30 months imprisonment (*see* Section 1.e.).

In August 2001, the Government arrested without a warrant Habib Younis, an editor with al-Hayat's Beirut office on charges of "contact with the Israeli enemy." The Government interrogated Younis without the presence of a lawyer (*see* Section 1.e.) and the military court indicted him on charges of conspiring with Israel. In

July the military court found him guilty and sentenced him to 15 months imprisonment (see section 1.d.).

The Government continued to restrict radio and television broadcasts in a discriminatory manner. There were 7

television stations and 37 radio stations. The Government owned one television and one radio station; the remaining stations were owned privately. Satellite television was available widely and was inexpensive.

Although the Government did not censor broadcasts directly, government officials exerted pressure on journalists to practice self-censorship. For example, in November the Government pressured LBCI not to air a talk show that was to include an outspoken opposition figure. The Government also pressured the media not to report on the arrest in Syria of an al-Hayat correspondent.

In general the Government did not restrict Internet access, and it was used widely.

The Government generally respected academic freedom, and the country had a strong private educational system.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Any group that wished to organize a rally had to obtain the prior approval of the Ministry of Interior, which did not render decisions consistently. Groups opposing government positions sometimes did not receive permits.

On several occasions during the year, military personnel used excessive force to disperse protesters of government political and economic policies and the Syrian presence in Lebanon, sometimes detaining or arresting them (see Sections 1.c. and 1.d.).

In August 2001, approximately 200 persons, mostly university students, gathered near the Justice Ministry to protest the arrests of more than 100 'Awnists and Lebanese Forces supporters. Plainclothes intelligence agents arrested at least 10 persons, reportedly including 1 journalist (see Section 2.a.), and used heavy force to suppress the demonstration. Demonstrators were beaten with rifle butts, kicked, and trampled by security forces. At least two journalists reportedly also were beaten (see Section 2.a.). All of those arrested were released within 2 days. A few days after the protest, the Minister of Interior stated that those responsible for using excessive force would be punished. Subsequently the Justice Minister instructed the Prosecutor General's Office to investigate the incident; however, there were no reports that any measures were taken by year's end.

On March 14, approximately 2,000 demonstrators, mostly student supporters of the now-exiled former Army Commander Michel 'Awn, participated in an anti-Syrian march. Security forces and LAF troops dealt responsibly with the protestors and the demonstration was peaceful.

During March and April, at least 20 nonviolent demonstrations and sit-ins took place in support of the Palestinian Intifada. The Government took an aggressive stance by providing protection and security for foreign interests during that period. However, on April 3, a demonstration of 3,500–4,000 took place at a diplomatic mission. When the crowd attacked security forces with stones, the security forces deployed tear gas and water cannons to disperse it. At least seven police members and some demonstrators were slightly injured.

The Constitution provides for freedom of association, and the Government generally respected this right and did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the Ministry of Interior, which issues a receipt. In addition to what is provided by law, the Ministry of Interior imposed on organizations further restrictions and requirements that were not enforced consistently. The Ministry at times withheld the receipt, essentially transforming a notification procedure into an approval process. The Ministry in some cases sent notification of formation papers to the security forces, which then conducted inquiries regarding an organization's founding members. The results of such inquiries may be used by the Ministry in deciding whether or not to approve the formation of the group.

Organizations must invite Ministry representatives to a general assembly in which votes are held for by-law amendments or in which elections are held for positions on the board of directors. The Ministry also required every association to obtain the Ministry's approval of any change in by-laws; failure to do so could result in the dissolution of the association.

Although the law did not distinguish between political parties and other associations, the Cabinet had to license political parties.

The Government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service mon-

itored the movements and activities of members of opposition groups (*see* Section 1.f.).

The Government closely monitored groups critical of Syrian policies, and their members were subject to harassment and arrest by the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. Discrimination based on religion is built into the system of government. The Government subsidized all religions and all Muslim clerics received monthly salaries from the Government.

The State is required to ensure the free exercise of all religious rites, provided that public order is not disturbed. The Constitution also provides that the personal status and religious interests of the population be respected. The Government permitted recognized religions to exercise authority over matters pertaining to personal status, such as marriage, divorce, and inheritance. There is no state religion; however, politics are based on the principle of religious representation, which was applied to every aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles did not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity. Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition was not a legal requirement for religious worship or practice. For example, although Baha'is, Buddhists, and Hindus were not recognized officially, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President. The Accord called for the ultimate abolition of political sectarianism in favor of "expertise and competence"; however, little substantive progress was made in this regard. A "Committee for Abolishing Confessionalism," which was called for in the Taif Accord, had not yet been formed by year's end. One notable exception was the LAF which, through universal conscription and an emphasis on professionalism, has significantly reduced the role of confessionalism (or religious sectarianism) in the armed forces. Christians and Muslims were represented equally in the Parliament. Seats in the Parliament and Cabinet, and posts in the civil service, were distributed proportionally among the 18 recognized groups (*see* Section 3).

The Government required that religious affiliation be encoded on national identity cards, but not on passports.

Religious groups administered their own family and personal status laws. There were 18 recognized religious groups, each of which differed in its treatment of marriage, family, property rights, and inheritance. Many of these laws discriminated against women. For example, Sunni inheritance law provided a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. There is no law that permits civil marriages, although such ceremonies performed outside the country were recognized by the State. Only religious authorities may perform marriages.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity. During the year, there were reports that members of the Christian community in Kesirwan, with the knowledge of local clergy, occasionally verbally harassed church leaders and persons who attended an unrecognized Protestant evangelical church.

In October a Greek Orthodox church in Tripoli and the Saint Elias Maronite Church in Sidon were bombed. Later that month, arsonists set fire to a northern mosque. President Lahoud blamed "Israeli sympathizers" for the second incident. No one had been arrested in connection with either crime by year's end.

On November 21, an American citizen missionary affiliated with the Christian and Missionary Evangelical Alliance was killed in Sidon. No group has claimed responsibility for the killing (*see* Section 1.a.).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations. The law prohibits travel to Israel. The LAF and Syrian troops maintained checkpoints throughout much of the country. All men between 18 and 21 years of age were subject to compulsory military service and were required to register at a recruitment office and obtain a travel authorization document before leaving the country. Married women must obtain their husband's signatures to apply for a passport. Although a man may obtain passports for his children without his wife's approval, a woman may not obtain passports for her children without the approval of her husband (*see* Section 5).

There were no legal restrictions on the right of citizens to return to the country. However, many emigres were reluctant to return for a variety of political, economic, and social reasons. The Government encouraged the return to their homes of over 600,000 persons displaced internally during the civil war. Although some persons have begun to reclaim homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to reclaim and rebuild their property. The resettlement process was slowed by tight budgetary constraints, destroyed infrastructure, political feuds, a lack of schools and economic opportunities, and the fear that physical security still was inadequate in some parts of the country.

In 2000, approximately 6,000 SLA militiamen and their families fled to Israel. At year's end, approximately 2,200 had returned to the country. Several hundred relocated elsewhere outside of Israel, and between 3,000 and 4,000 remained in Israel at year's end. Of the former SLA personnel who returned to the country, most received prison sentences of varying lengths (*see* Section 1.e.). The Government publicly stated that the former SLA militiamen were welcome to return to the country, but that they would face trial upon their return. There were few incidents of harassment of returned SLA deportees.

Most non-Lebanese refugees were Palestinians. In 2001 the U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 383,000. This figure, which included only the families of refugees who arrived in 1948, was presumed to include many thousands who reside outside of the country. Most experts estimated the actual number in the country to be between 150,000 and 200,000. Most Palestinian refugees were unable to obtain citizenship and were subject to governmental and societal discrimination; however, Palestinian women who married Lebanese men could obtain citizenship (*see* Section 5).

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The Government did not issue visitors' visas to Jordanian nationals who were born in the country and were of Palestinian origin.

On several occasions, Hizballah operatives interfered with the freedom of movement of UNIFIL personnel. For example on April 4, about 15 Hizballah operatives forced an observer group to stop at checkpoints and assaulted them, injuring 3. According to the U.N. Secretary General's report, no action was taken despite government assurances that the perpetrators would be arrested and brought to trial.

There were no legal provisions for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. The Government generally cooperated with the offices of the U.N. High Commissioner for Refugees (UNHCR) and UNRWA.

According to the UNHCR, there were nearly 3,000 non-Palestinian refugees, primarily Iraqis and Sudanese, detained for illegal entry into the country. During the year, the Surete General granted UNHCR officials access to the detainees. There were credible reports that the Surete Generale deported Iraqi Kurds seeking asylum back to Iraq through Syria.

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

The Constitution states that citizens have the right to change their government in periodic free and fair elections; however, lack of control over parts of the country, defects in the electoral process, and strong Syrian influence over politics and decision makers significantly restrict this right.

According to the Constitution, elections for the Parliament must be held every 4 years. In turn, the Parliament elects the President every 6 years. The President and Parliament nominate the Prime Minister, who, with the President, chooses the Cabinet. According to the unwritten "National Pact of 1943," the President must be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker a Shi'a

Muslim (*see* Section 2.c.). Since the National Reconciliation Agreement reached in Taif, Saudi Arabia in 1989, which revised the 6 to 5 ratio of Christian to Muslim seats in Parliament, there has been a 50–50 balance between Christian and Muslim Members of Parliament. The Taif Accord also increased the number of seats in Parliament and transferred some powers from the Maronite President to the Sunni Prime Minister and the religiously mixed Cabinet.

The parliamentary elections in 2000 showed fewer incidents of voter fraud and tampering with ballots than previous elections; however, the process was flawed with serious shortcomings, including Syrian government influence on the electoral law and candidate selection, progovernmental media manipulation, and improper activities of security services.

On June 2, a by-election held in the Metn district for the Greek-Orthodox seat was reportedly marred by numerous irregularities, in addition to the Minister of Interior's claim that the secret ballot is "optional." In November the Constitutional Council names the third placed candidate as the winner.

In September 2001, municipal elections were held for the first time since 1963 in 64 villages and towns in areas formerly occupied by Israel. Local observers reported that the elections were generally free and fair; however, there were some irregularities, including attempts by government agencies to pressure candidates and voters, the presence of unauthorized persons inside polling stations, and the absence of registration committees on voting day to correct errors in voters lists.

Women had the right to vote, and there were no legal barriers to their participation in politics; however, there were significant cultural barriers. No woman has ever held a cabinet position. In 2000, three women were elected to the 128-seat Parliament.

Palestinian refugees had no political rights (*see* Section 5). An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were "popular committees" that met regularly with UNRWA and visitors.

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

Several local human rights groups operated freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled. Some of these groups have sought to publicize the detention in Syria of hundreds of Lebanese citizens and took credit in part for the release of a number of Lebanese from Syrian jails during 1999 (*see* Section 1.d.). The Bar Association and other private organizations regularly held public events that included discussions of human rights issues. Some human rights groups reported harassment and intimidation by government, Syrian, or Hizballah forces.

The Government generally cooperated with international NGOs and met with them during the year. In March the United Nations High Commissioner for Human Rights met with senior government officials. The ICRC and AI maintained offices in the country. During the year, government officials discussed human rights problems with representatives of foreign governments and NGOs. For example, the Lebanese Foundation for Human and Humanitarian Rights discussed issues related to Iraqi asylum seekers with the Government and secured the non-deportation of Iraqi Kurds back to Iraq.

The Parliamentary Commission for Human Rights did not take action in response to the arrests in 2001 by security forces of antigovernment and anti-Syrian protestors. However, the Commission played an important role in ratifying the U.N. Convention against Torture in 2001 and passing the new Code of Criminal Procedure. Following visits to the prisons, the Commission's chairman stated that the Commission would work on improving prison conditions by passing the Code of Criminal Procedure and by increasing funding to build new correctional facilities; however, by year's end, no funds had been allocated.

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

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism"; however, in practice aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, there were few accommodations made for them. Discrimination based on race, language, or social status is illegal and was not widespread among citizens; however, foreign domestic servants often were mistreated.

Women.—The law does not specifically prohibit domestic violence; however, violence against women was a common problem. Cases reported were believed to be only a fraction of the actual number. There were no authoritative statistics on the extent of spousal abuse. Most experts agreed that the problem affected a significant portion of the female population. Despite a law prohibiting battery with a maximum sentence of 3 years in prison for those convicted, some religious courts legally may require a battered wife to return to the house in spite of physical abuse. Many women were compelled to remain in abusive marriages because of social and family pressures. Possible loss of custody of children and the absence of an independent source of income also prevented women from leaving their husbands.

The Government had no separate program to provide medical assistance to battered women; however, it provided legal assistance to victims who could not afford it regardless of the gender of the victim. In most of the cases, the police ignored complaints submitted by battered or abused women. The NGO The Lebanese Council to Resist Violence Against Women has worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence.

Foreign domestic servants often were mistreated, abused, and in some cases, raped. Asian and African female workers had no practical legal recourse available to them because of their low status, isolation from society, and because the labor laws did not protect them (*see* Section 6.e.). Because of such abuse, the Government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The law prohibits rape, and the minimum sentence for a person convicted of rape is 5 years in prison. The minimum sentence for a person convicted of raping a minor is 7 years.

The legal system was discriminatory in its handling of so-called “honor crimes.” According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. However, in 1999 the law was amended to increase the severity of the sentence for perpetrators of “honor crimes.” Several instances of honor crimes are reported in the media every year, and reportedly there were an average of two to three cases of honor crimes each month during the year. No person has been convicted in a case legally considered as an honor crime.

Prostitution is legal but regulated; in practice most prostitution is unlicensed and thus illegal. Thousands of foreign women, primarily from Russia and Eastern Europe, engaged in prostitution. The country was a destination for trafficked persons, primarily women (*see* Section 6.f.).

Women had varying employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives. The law prohibits sexual harassment; however, it was a widespread problem.

Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure. Husbands may block foreign travel by their wives (*see* Section 2.d.). The testimony of a woman is equal to that of a man in court (*see* Section 1.e.).

In 2001, Parliament adopted a law providing equal pay for equal work for men and women. During the year, the Parliament passed legislation giving women serving in government the same rights as men in terms of medical coverage and hospitalization.

Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Children.—Education was free in public schools and compulsory until the age of 13. However, public schools generally were inadequate, and the cost of private education was a significant problem for the middle and lower classes. Many children, particularly in rural areas, took jobs at a young age to help support their families. UNICEF reported that in the 2000 school year, approximately 85 percent of children between the ages of 3 and 5, and approximately 98 percent of children between the ages of 7 to 11 were enrolled in school. In some families with limited incomes, boys received more education than girls. Illiteracy rates were approximately 38 percent. The minimum for child employment is 14 years of age (*see* Section 6.d.).

An undetermined number of children were neglected, abused, and exploited. The normal procedure for adoption was through religious homes or institutions authorized to arrange adoption; however, the demand to provide infants for adoption

abroad resulted in illegal international adoptions. There were no statistics available concerning the prevalence of the illegal adoption of infants. Poor children often were compelled by their parents to seek employment and often took jobs that jeopardized their safety (see Section 6.d.). Because of their ages, wages earned by such children were not in conformity with labor regulations. The Government did not have specific child protection laws to remove children from abusive situations and did not grant NGOs adequate legal standing to litigate on behalf of abused minor children.

During the year, the police discovered and broke up several child prostitution rings.

Persons with Disabilities.—More than 100,000 persons became disabled during the civil war. Families generally performed care of persons with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 private organizations. These organizations were relatively active, although poorly funded.

There were few accommodations for persons with disabilities in the cities.

The law on persons with disabilities stipulates that at least three percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications of the position.

During the year, joint committees composed of the National Committee for the Disabled and the Ministries of Health, Labor, and Education were formed to implement the disabled law. During the year, the Ministry of Finance informed all firms and companies that it would not settle obligations with them unless they proved that three percent of their work force was composed of disabled personnel.

National/Racial/Ethnic Minorities.—According to the UNHCR, an estimated 380,000 Palestinian refugees were registered in the country (see Section 2.d.); however, it was believed that perhaps between 150,000 to 200,000 Palestinians actually resided in the country. Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting. The Government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged the notion of permanent refugee settlement in the country. Refugees feared that the Government may reduce the size of the camps or eliminate them completely. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. In recent years, Palestinian incomes have continued to decline. The law prohibited Palestinian refugees from working in 72 professions.

In 2001 the Parliament passed legislation depriving Palestinian refugees of the right to own property in the country. Under the new law, Palestinians no longer may purchase property and those who own property will be prohibited from passing it on to their children. The Parliament justified the law on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own a limited size plot of land but only after obtaining the approval of five different district offices. The law applies to all foreigners, but it is applied in a manner disadvantageous to the 25,000 Kurds in the country. The Government did not provide health services to Palestinian refugees, who relied on UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined. Palestinian children reportedly have been forced to leave school at an early age because U.N. relief workers do not have sufficient funds for education programs. The U.N. estimates that 18 percent of street children in the country are Palestinian. Drug addiction, prostitution, and crime reportedly were increasing in the camps, although reliable statistics were not available. In 1999, the Fatah faction of the PLO expanded its operations in the Ain al-Hilwah refugee camp by opening security offices and hiring personnel to maintain order in the camps.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers except government employees may establish and join unions. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons formed the active labor force, 14 percent of who were members of 210 labor unions and associations. Most of these unions gathered to form Federations. To date, 37 federations, with about 200,000 workers, were represented in the General Confederation of Labor (GCL).

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions.

Unions were free to affiliate with international federations and confederations, and they maintained a variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups en-

gaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasion have assisted nonunionized workers. There were no government mechanisms to promote voluntary labor-management negotiations, and workers had no protection against antiunion discrimination. Union leaders alleged credibly that, in the past, the Government has tried to interfere in elections for union officials.

The law provides for the right to strike. In December the teachers' union went on a strike and then staged a demonstration to protest budget proposals including taxes on pensions and working hour increases.

In June and July, taxi and bus drivers held separate strikes to protest a new government anti-pollution measure calling for a switch from diesel to gasoline for all passenger vehicles carrying less than 15 passengers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced labor is not prohibited by law. Children, foreign domestic servants, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor (see Sections 5 and 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits employment of workers under the age of 18 for more than 6 hours per day, and requires 1 hour of rest if work is more than 4 hours. The law defines workers under the age of 14 as child laborers. The amendments also entitle children to 21 days of paid annual leave. Children are prohibited from working between the hours of 7 p.m. and 7 a.m. The Code also prohibits certain types of mechanical work for children between the ages of 8 and 13 and other types for those between the ages of 13 and 16. The law prohibits children under the age of 18 from working in jobs that jeopardize their health, safety, or morals. The Ministry of Labor was responsible for enforcing these requirements; however, it did not apply the law rigorously. During the year, a law was passed regarding the protection of juveniles exposed to danger.

In June Parliament ratified ILO Convention No. 138, concerning minimum age for admission to employment. According to the Central Statistics Administration, 7.6 percent of working children were between the ages of 6 and 14. The report also indicated that of this 7.6 percent, 45.3 percent were performing all kinds of jobs, such as working in the fields concurrently helping their parents in the home. Most of these child laborers were citizens, but some were Syrian; they worked predominantly in the industrial, craft, and metallurgical sectors.

Approximately 40 percent of working children worked 10 to 14 hours per day, and few received social welfare benefits. In addition, the active labor force included approximately 52,000 workers between the ages of 15 and 19, who were not eligible for the minimum wage until they reached the age of 21.

e. Acceptable Conditions of Work.—The Government set a legal minimum wage, currently approximately \$200 (300,000 Lebanese pounds) per month. The law was not enforced effectively in the private sector. In theory the courts were called upon to enforce it, but in practice they did not. The minimum wage was insufficient to provide a decent standard of living for a worker and family. Trade unions attempted to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The Ministry of Labor was responsible for enforcing these regulations, and it did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment. Foreign domestic servants, mostly of Asian and African origin, often were mistreated, abused, and raped (see Section 5). A recruitment agency and the employer signed the employment contract for a foreign worker; workers rarely were a party to the contract or, if they were a party, might not know what the contract stipulates because it is written in Arabic. The recruitment agency or employers confiscated the passports of foreign domestic workers when the workers arrived at the airport. Labor laws do not protect foreign domestic servants. Domestic servants often worked 18 hours per day, and in most cases did not receive vacations or holidays. There was no minimum wage for domestic servants; their average wage was approximately \$100 (150,000 Lebanese pounds) per month. They had no entitlement to government financial assistance.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, the Penal Code stipulates that “any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor.” During the year, the country was a destination for African and Asian women contracted as household workers, and Eastern European and Russian women contracted as dancers in adult clubs. These women may have come voluntarily; however, there was evidence that many found themselves in coercive work situations from which they had little practical legal recourse. If forced prostitution or forced rendering of sexual services occurred as a result of the abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison.

Many women became illegal workers because their employers did not renew their work and residency permits. Unscrupulous employers sometime falsely accused the employee of theft in order to relinquish responsibility for the employee as well as the taxes and airline ticket home (see section 6.e). Restrictions of movement and withholding of passports were common practices. A very small number of exploited foreign workers have won cases against their employers. The judiciary did not usually acknowledge the violation of maids’ rights, but in a few cases, courts decided in favor of foreign workers against whom charges had been brought. In October, the criminal court of the Metn district acquitted two Filipino maids from charges brought against them by their employers for theft. In another case, a Sri Lankan maid was repatriated after her employer dropped charges brought against her for leaving her house.

There is no law specifically prohibiting trafficking and during the year the Government did not prosecute such cases. However, during the year the Government took multiple new measures to counter trafficking, including signing on December 9 the U.N. Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Other anti-trafficking measures included the closure of approximately 15 illegal employment agencies for violating trafficking related regulations by the Ministry of Labor, and participation in awareness programs. The Government did not provide foreign workers with relief from deportation, shelter, or access to legal, medical or psychological services. However, social workers from the Caritas Migrant Center have full-time access to the Government retention Center for Foreign Persons. A number of NGOs provided pro bono legal assistance and counseling to victims of trafficking. The Ministry of Labor has established a complaint procedure through which it says it will take an active role in complaint cases. To date, few victims of trafficking have used this procedure. During the year, the Ministry of Labor also began implementing procedures for lodging complaints against employers or employment agencies.

LIBYA ¹

The Socialist People’s Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Mu’ammarr Al-Qadhafi (the “Brother Leader and Guide of the Revolution”) since 1969, when he led a military coup that overthrew King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a “third way” superior to capitalism and communism. Libya’s governing principles are derived predominantly from Qadhafi’s “Green Book.” In theory the citizenry rules the country through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977, but in practice Qadhafi and his inner circle monopolize political power. Qadhafi is aided by extragovernmental organizations—the Revolutionary Committees—that exercise control over most aspects of citizens’ lives. The judiciary was not independent of the Government, and security forces had the power to pass sentences without trial.

The country maintained an extensive security apparatus, consisting of several elite military units, including Qadhafi’s personal bodyguards, local Revolutionary Committees, People’s Committees, and “Purification” Committees. The result was a multilayered, pervasive surveillance system that monitored and controlled the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominated the economy through complete control of the country’s oil resources, which accounted for approximately 95 percent of export earnings

¹The United States has no official presence in Libya. Information on the human rights situation therefore is limited; this report draws heavily on non-U.S. Government sources.

and an estimated 23 percent of the gross domestic product. Oil revenues were the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, conventional armament purchases, and attempts to develop weapons of mass destruction, as well as to large donations made to "liberation" movements and to developing countries in attempts to increase Qadhafi's influence in Africa and elsewhere. The Government's mismanagement of the economy has led to high inflation and increased import prices, resulting in a decline in the standard of living for most of its 5.4 million citizens in recent years. U.N. sanctions against the country were suspended—but not permanently lifted—in 1999 following the Government's surrender of two of its citizens suspected in the 1988 bombing of Pan Am flight 103. On March 14, a Scottish appellate court in the Netherlands upheld the conviction of Abdelbasset al-Megrahi in connection with the bombing. Megrahi subsequently appealed his sentence to the European Commission for Human Rights.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. Qadhafi used summary judicial proceedings to suppress domestic opposition. Security forces tortured prisoners during interrogations and as punishment. Prison conditions were poor. Security forces arbitrarily arrested and detained persons, and many prisoners were held incommunicado. Many political detainees were held for years without charge or trial. The Government controlled the judiciary, and citizens did not have the right to a fair public trial or to be represented by legal counsel. The Government infringed on citizens' privacy rights, and citizens did not have the right to be secure in their homes or persons, or to own private property. The Government restricted freedom of speech, press, assembly, association, and religion. The Government imposed some limits on freedom of movement. The Government prohibited the establishment of independent human rights organizations.

Violence against women was a problem. Traditional attitudes and practices continued to discriminate against women, and female genital mutilation (FGM) was practiced in remote areas of the country. The Government discriminated against and repressed tribal groups. The Government continued to repress banned Islamic groups and exercised tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and the Warfalla tribe. The Government restricted basic worker rights, used forced labor, and discriminated against foreign workers. There have been reports of slavery and trafficking in persons. The country's human rights record came under intense international scrutiny after the African Union in June endorsed the country's nomination to chair the U.N. Commission on Human Rights (UNCHR) in 2003. The Government appointed for the first time in September a Secretary for Human Rights; at year's end, this fledgling ministry had yet to demonstrate any influence over the country's human rights policies.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report that a person died as a result of torture while in custody. On September 6, the World Organization Against Torture (OMCT) reported that when Mohammad Massaud Izbeda inquired at the Revolutionary Committee Headquarters as to why his son had not been among 62 prisoners released by the Government on September 1, the authorities detained and tortured Mr. Izbeda. According to reports, he was released later that day and died the same night (*see* Section 1.c.).

An unknown number of deaths in custody occurred as a result of poor prison conditions (*see* Section 1.c.).

In 2001 the Government continued to take proactive measures to prevent the development of any serious opposition within the country, focusing its efforts primarily on Islamist groups. It reinforced the tightened security measures put in place following a 1996 prison mutiny in Benghazi by arresting possible dissidents, conducting military operations in the areas of insurrection, and killing a number of persons.

In October 2001, mobs killed an estimated 150 Africans, including a Chadian diplomat, in the worst outbreak of antforeigner violence since Qadhafi took power in 1969. Government security forces reportedly intervened to stop the violence, but then deported hundreds of thousands of African migrant workers by driving them in convoys to the southern border and leaving them stranded in the desert (*see* Section 6.e.).

In November 2001, a German court found four persons, including a former government diplomat, guilty of murder and attempted murder in connection with the 1986 bombing of the La Belle disco in then-West Berlin. In rendering his oral verdict, the judge declared that there was clear government responsibility. The German govern-

ment immediately called upon the Government to admit responsibility and provide compensation for the victims.

U.N. sanctions against the country were suspended in 1999 after the Government surrendered two suspects wanted in connection with the bombing of Pan Am flight 103 over Scotland in 1988, which killed 259 persons on board and 11 persons on the ground. On March 14, a Scottish appellate court in the Netherlands upheld the conviction of government agent Abdelbasset al-Megrahi in connection with the bombing. In September Megrahi appealed the case to the European Court of Human Rights, alleging that his rights were breached during his 2000-2001 trial and the subsequent appeal. U.N. Security Council resolutions required the country to fulfill certain obligations regarding the Pan Am 103 bombing before sanctions may be permanently lifted, including accepting responsibility for the actions of its officials and paying appropriate compensation.

In March 1999, a French court convicted in absentia six defendants in the bombing of UTA flight 772 over Chad in 1989, which killed 171 persons, and sentenced them to life in prison. In July 2000, the Government paid the French government \$31 million (17 million dinars) to compensate the victims' families. During Foreign Minister Shalgam's official visit to Paris in October, the country agreed to pay further compensation to the families of UTA victims who did not receive compensation from the 2000 settlement.

b. Disappearance.—In the past year, there were no reports of abductions; however, the Government in the past has abducted and killed dissidents in the country and abroad.

In January accusations of government responsibility for the 1978 disappearance of Lebanese Shi'a leader Imam Mousa al-Sadr and two of his companions in the country resurfaced when Qadhafi announced his intention to attend the Arab League Summit meeting in Beirut in March. A Lebanese Shi'a Muslim group called the Sadr Brigades responded by threatening unspecified action against Qadhafi if he came to Beirut, causing him to cancel his visit. The Government denied any involvement in Musa Sadr's disappearance, and in August the Government issued a public appeal for any information related to the disappearance. In October the Sadr Brigades publicly vowed vengeance against Qadhafi based on information it said Iran had provided which proved the country's culpability.

The Government did not take any action in the 1993 disappearance in Cairo of its citizen Mansur Kikhiya, a human rights and political activist.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides for fines against any official using excessive force; nonetheless, there were no known cases of prosecution for torture or abuse. Security personnel routinely torture prisoners during interrogations or for punishment. Government agents reportedly detained and tortured foreign workers, particularly those from sub-Saharan Africa. Reports of torture were difficult to corroborate because many prisoners were held incommunicado. In July Qadhafi's son, Saif al-Islam, announced that the Government would make public the names of any government personnel involved in torture, even if they were senior officials, and would bring them trial. The Government had not made public any names by year's end. Methods of torture reportedly included: chaining to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving of food and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; attacking with dogs; and beating on the soles of the feet.

In May a court sentenced Ahmad Muhammad Ahmad al-Sharif, Sayyid Muhammad Ahmad, Dahmu Muhammad Abu Bakr al-Sharif, and Barkah Sidi Jira Barkah to have their right hands and left legs amputated in punishment for theft. The sentences were carried out in July and were the first in the country since Qadhafi came to power 1969.

On September 6, the World Organisation Against Torture (OMCT) reported that Mohammad Massaud Izbeda inquired at the Revolutionary Committee Headquarters as to why his son, Abdallah Mohammad Massaud Izbeda, had not been among the 62 prisoners released by the Government on September 1. Authorities at the headquarters detained and tortured Mr. Izbeda. According to reports, he was released later that day and died the same night. Security forces reportedly attempted to remove Izbeda's body from its gravesite on September 13 when a group of young persons intervened. Authorities arrested several, subjecting at least one, Seif Salem Aljadik, to torture, and reportedly killing others. Authorities also demolished both Mr. Izbeda and Mr. Aljadik's homes (*see* Section 1.a.).

In May 1999, in a much publicized case involving the HIV infection of nearly 400 children, 16 defendants, including 6 Bulgarians and 1 Palestinian, all health professionals, claimed that their confessions had been obtained under duress. In February a court in Benghazi conducted an official inquiry into the defendants' claims of torture. Defense lawyers for the professionals told the press that the inquiry was completed but the results were not communicated to the defense. In November the seven suspects told the Sunday Times that they had signed confessions after months of torture. The torture methods they described included electric shocks, beatings, sleep deprivation, intimidation by police dogs, and forcing one female suspect to undress and threatening to insert a lighted lamp into her vagina. These signed confessions are now the prosecution's best evidence against the suspects. The case remained pending at year's end. According to Amnesty International (AI), although the verdict was supposed to be announced in September 2001, no such action has occurred.

In 1998 152 professionals and students were arrested in Benghazi for alleged involvement with an Islamic organizations not known to have used or advocated violence. An international human rights organization noted that the defendants were subjected to arbitrary arrest, torture, and ill-treatment while being held in incommunicado detention (*see* Sections 1.d. and 1.e.).

Prison conditions reportedly were poor. According to AI, political detainees reportedly were held in cruel, inhuman, or degrading conditions, and denied adequate medical care, which led to several deaths in custody. The Government did not permit prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—By law the Government may hold detainees incommunicado for unlimited periods. Security forces arbitrarily arrested and detained citizens. The Government held many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees.

Scores of businessmen, traders, and shop owners have been arrested arbitrarily on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups in violation of the 1994 Purge Law. The Purge Law was established to fight financial corruption, black marketeering, drug trafficking, and atheism. "Purification committees enforced the law.

Hundreds of political detainees, many associated with banned Islamic groups, reportedly were held in prisons throughout the country (but mainly in the Abu Salim prison in Tripoli); many have been held for years without charge. Some human rights organizations estimated this number to be as high as 2,000. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers.

On February 16, a People's Court in Tripoli sentenced to death Salem Abu Hanak and Abdullah Ahmed Izzedin, 2 out of at least 152 professionals who were arbitrarily arrested in 1998 in Benghazi for involvement with Islamic organizations. Eighty-six of the 152 men were sentenced while 66 were acquitted. Those who were convicted received sentences ranging from 10 years to life imprisonment. The appeal trial opened on December 14. AI reported that lawyers for the accused were neither allowed to study their case files nor to meet with their clients. The lawyers were denied access to the court, and the judge appointed government clerks to replace them. Family members were allowed to meet the accused briefly for the first time since their arrest in April 2001, but then not again until at least December 2001 (*see* Sections 1.c. and 1.e.).

In May 1999, the 16 defendants of the case involving the HIV infection of nearly 400 children were kept in incommunicado detention for approximately 10 months, without access to their families or legal representation (*see* Sections 1.c. and 1.e.).

On September 1, the Government freed 62 political prisoners, including Muhammad Ali al-Akrami, al-Ajili Muhammad Abd al-Raham al-Azhari, Muhammad Ali al-Qajiji, Salih Omar al-Qasbi, and Muhammad al-Sadiq al-Tarhuni, who had been imprisoned since 1973 for their peaceful involvement with the prohibited Islamic Liberation Party.

On September 1, the Government pardoned 50 Egyptian prisoners and deported them to Egypt. In October the Government returned 238 Nigerian prisoners arrested in anti-African riots in July 2001 to Nigeria to serve out jail terms imposed by courts, following an appeal by the Nigerian government.

There was no information available on Abdullah Ali al-Sanussi al-Darrat, who was detained without charge and has not had a trial since 1973 (*see* Section 2.a.).

The Government did not impose forced exile as a form of punishment, and it continued to encourage citizen dissidents abroad to return, promising to ensure their safety. It is unclear whether such promises were honored. The Government repatriated dozens of family members of suspected citizen al-Qa'ida members from Afghan-

istan and Pakistan in waves throughout the year. Although the Government publicly guaranteed their safety, the likelihood of such safety remained unclear. Students studying abroad have been interrogated upon their return.

In connection with the September 2000 mob violence against sub-Saharan workers, many sub-Saharan Africans, including Chadians, Ghanaians, and Nigerians were repatriated after seeking assistance from their embassies.

e. Denial of Fair Public Trial.—The judiciary was not independent of the Government, and security forces had the power to pass sentences without trial. The Government used summary judicial proceedings to suppress domestic dissent.

There were four levels of courts: summary courts, which tried petty offenses; the courts of first instance, which tried more serious crimes; the courts of appeal; and the Supreme Court, which was the final appellate level.

Special revolutionary courts tried political offenses. Such trials often were held in secret or even in the absence of the accused. In other cases, the security forces had the power to pass sentences without trial, especially in cases involving political opposition. In the past, Qadhafi has incited local cadres to take extrajudicial action against suspected opponents.

The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

On February 16, in the trial of the 152 professionals and students who were arrested in Benghazi for alleged involvement with an Islamic organization, an international human rights organization noted that the trial was held in secret and that the judges hearing the case were not legally qualified. At the time of their arrest, the defendants were not informed of the charges against them nor were they allowed to meet their lawyers for consultation (*see* Sections 1.c. and 1.d.).

On February 17, the special People's Court, charged with trying 16 health professionals (9 Libyans, 1 Palestinian, and 6 Bulgarians) in 1999 for allegedly infecting 400 children with HIV, dropped the conspiracy charge and transferred the proceedings to the criminal court. The attorney defending the persons claimed he was allowed to meet with his clients twice in the 3 years since their jailing. The case was still pending at year's end (*see* Sections 1.c. and 1.d.).

The Government held a large number of political prisoners. AI estimated that there were hundreds of persons imprisoned for political reasons; other groups put that number as high as 2,000. According to AI, in September 62 prisoners were released on the 33rd anniversary of Qadhafi coming to power.

The Government did not permit access to political prisoners by international human rights monitors.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government does not respect the right to privacy. Security agencies often disregarded the legal requirement to obtain warrants before entering a private home. They also routinely monitored telephone calls.

The security agencies and the Revolutionary Committees oversaw an extensive network of informants; one credible foreign observer estimated that 10 to 20 percent of the population was engaged in surveillance for the Government. Exiles reported that family ties to suspected government opponents may result in harassment and detention. The Government may seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. In the past, citizens reported that the Government warned members of the extended family of government opponents that they too risked the death penalty.

The law provides for the punishment of families or communities that aid, abet, or do not inform the Government of criminals and oppositionists in their midst. The crimes include "obstructing the people's power, instigating and practicing tribal fanaticism, possessing, trading in or smuggling unlicensed weapons, and damaging public and private institutions and property." The law also provides that "any group, whether large or small," including towns, villages, local assemblies, tribes, or families, be punished in their entirety if they are accused by the General People's Congress of sympathizing, financing, aiding in any way, harboring, protecting, or refraining from identifying perpetrators of such crimes. Punishment under the Collective Punishment Law ranges from the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, and participation in local assemblies, to the termination of new economic projects and state subsidies. The "Code of Honor", passed by the People's General Congress in 1997, provides for collective punishment to be inflicted on the relatives of persons having committed certain crimes, normally opponents of the regime.

The 1994 Purge Law provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined amounts as "the fruits of exploitation or corruption." In 1996 the Government ordered the formation

of hundreds of "Purge" or Purification Committees composed of young military officers and students. The Purification Committees reportedly seized some "excessive" amounts of private wealth from members of the middle and affluent classes; the confiscated property was taken from the rich to be given to the poor in an effort to appease the populace and to strengthen the Government's power and control over the country. The activities of the Purification Committees continued during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limited the freedoms of speech and of the press. This was especially true with regard to criticism of Qadhafi or his government. The occasional instances of criticism of political leaders and policies in the state-controlled media usually were government attempts to test public opinion or weaken a government figure who may be a potential challenger to Qadhafi. The authorities tolerated some difference of opinion in People's Committee meetings and at the General People's Congress.

The Government did not respond to requests on the whereabouts of the journalist Abdullah Ali al-Sanussi al-Darat, who has been detained without trial or charges brought against him since 1973 (see Section 1.d.).

In April the press announced that the Government had revoked writer Farag Sayyid Bul-Isha's citizenship as a punishment for his participation in a program on Al-Jazeera.

The Government restricted freedom of speech in several ways: by prohibiting all political activities not officially approved; by enacting laws so vague that many forms of speech or expression may be interpreted as illegal; and by operating a pervasive system of informants that created an atmosphere of mistrust at all levels of society (see Section 1.f.).

The State owns and controlled the media. There was a state-run daily newspaper, Al-Shams, with a circulation of 40,000. Local Revolutionary Committees published several smaller newspapers. The official news agency, JANA, was the designated conduit for official views. The Government did not permit the publication of opinions contrary to its policy. Such foreign publications as Newsweek, Time, the International Herald Tribune, L'Express, and Jeune Afrique were available, but authorities routinely censored them and had the power to prohibit their entry into the market.

Technology has made the Internet and satellite television widely available in the country. According to numerous anecdotal reports, both were accessed easily in Tripoli.

The Government restricted academic freedom. Professors and teachers who discussed politically sensitive topics face the risk of government reprisal.

b. Freedom of Peaceful Assembly and Association.—The Constitution does not provide for the right of assembly, and the Government severely restricted this right. Public assembly was permitted only with government approval and in support of the Government's positions.

The Government restricted the right of association; it grants such a right only to institutions affiliated with the Government. Under the law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed to the principles of the Revolution."

c. Freedom of Religion.—The Government restricted freedom of religion. The country is overwhelmingly Sunni Muslim, and the leadership states publicly its preference for Islam.

In an apparent effort to eliminate all alternative power bases, the Government banned the once powerful Sanusiyya Sufi order of Islam. In its place, Qadhafi established the Islamic Call Society (ICS), which was the outlet for state-approved religion, as well as a tool for exporting the revolution abroad. The ICS also was responsible for relations with other religions, including Christian churches in the country. In 1992 the Government announced that the ICS would be disbanded; however, its director still conducted activities, suggesting that the organization remains operational. The Government heavily censored its clerics. Islamic groups whose beliefs and practices were at variance with the state-approved teaching of Islam were banned. Although most Islamic institutions were under state control, some mosques were endowed by prominent families; however, they generally followed the Government-approved interpretation of Islam. Government officials repeatedly denounced militant Islam throughout the year.

Members of some minority religions were allowed to conduct services. Christian churches operated openly and were tolerated by the authorities. However, Chris-

tians were restricted by the lack of churches; there was a government limit of one church per denomination per city.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government usually does not restrict the internal movement of citizens, but it has imposed blockades on those cities and regions (primarily in the east) in which antigovernment attacks or movements originated.

The Government required citizens to obtain exit permits for travel abroad and limited their access to hard currency. A woman must have her husband's permission to travel abroad (see Section 5). Authorities routinely seized the passports of foreigners married to citizens upon their entry into the country.

The right of return exists. The Government has called on students, many of whom receive a government subsidy, and others working abroad, to return to the country on little or no notice.

The Government expelled noncitizens arbitrarily. The Government repatriated dozens of family members of suspected al-Qa'ida members from Afghanistan and Pakistan in waves throughout the year.

Following reports in October 2001 of mob violence in which 150 African workers were killed, the Government expelled hundreds of thousands of African migrants by driving them in convoys to the border with Niger and Chad and abandoning them there in the desert (see Sections 1.a., 5 and 6.e.). In February 2000, eight nationals were forcibly returned from Jordan and in July 2000 four nationals were forcibly returned from Pakistan. All were suspected of having sympathies with certain religious groups.

While the country has acceded to the 1969 Organization of African Unity Convention on refugees, it is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. The law does not include provisions for granting asylum, first asylum, or refugee status. The U.N. High Commissioner for Refugees (UNHCR) reported that there were approximately 33,000 refugees in the country, including 30,000 Palestinians and 3,000 Somalis. During 2001 the UNHCR assisted approximately 1,300 of the most vulnerable refugees in the country and supported income-generating programs for refugee women. The Government cooperated with UNHCR and provided free housing to approximately 850 refugees.

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

The Government denied citizens the right to change their government. Major government decisions were controlled by Qadhafi, his close associates, and committees acting in his name. Political parties were banned. Qadhafi appointed military officers and official functionaries down to junior levels. Corruption and favoritism, partly based on tribal origin, were major problems that adversely affected government efficiency.

In theory, popular political participation is provided by the grassroots People's Committees, which are open to both men and women, and which send representatives annually to the national General People's Congress (GPC). The GPC is chosen by Qadhafi and merely approves all recommendations made by him.

Qadhafi established the Revolutionary Committees in 1977. These bodies consisted primarily of youths who guard against political dissent. Some committees have engaged in show trials of government opponents; the committees also have been implicated in the killing of opponents abroad. The committees approve all candidates in elections for the GPC.

There was no reliable information on the representation of women and minorities in the Government.

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

The Government prohibits the establishment of independent human rights organizations.

The Government created the Libyan Arab Human Rights Committee in 1989. The committee was not known to have published any reports.

The Government has not responded substantively to appeals from AI on behalf of detainees.

In June the African Union (AU) nominated the country to chair the 57th UN Commission on Human Rights (CHR). The nomination renewed international scrutiny of the country's human rights record and caused international organizations to criticize the AU for backing the country. The Government publicly dismissed criticism of its human rights record in August, issuing a statement that "respect of

human rights is enshrined." In September Qadhafi's son Saif al-Islam defended the country's nomination on the grounds that chairing the CHR would influence the Government into better behavior.

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

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the prohibitions, particularly those against discrimination against women and tribal minorities.

Women.—Although there was little detailed information regarding the extent of violence against women, it remained a problem. In general, the intervention of neighbors and extended family members tended to limit the reporting of domestic violence. Abuse within the family rarely was discussed publicly, due to the value attached to privacy in society.

Some nomadic tribes located in remote areas still practiced FGM on young girls.

Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children (*see* Section 6.f.).

The 1969 Constitutional Proclamation granted women total equality. Despite this legal provision, traditional attitudes and practices prevailed, and discrimination against women persisted, keeping them from attaining the family or civil rights formally provided them. Women were reportedly prevented in practice from owning property. A woman must have the permission of her husband or another close male relative to travel abroad (*see* Section 2.d.).

Although their status is still not equal to that of men, the opportunity for women to make notable social progress increased in recent years. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government have contributed to the creation of new employment opportunities for women. In recent years, foreign diplomats have noted a growing sense of individualism in some segments of society, especially among educated youth. For example, many educated young couples preferred to set up their own households, rather than move in with their parents, and viewed polygyny with scorn. Educational differences between men and women have narrowed.

In general, the emancipation of women is a generational phenomenon: urban women under the age of 35 tended to have more "modern" attitudes toward life; however, older urban women tended to have more traditional attitudes toward family and employment. Moreover, a significant proportion of rural women did not attend school and were inclined to instill in their children such traditional beliefs as women's subservient role in society.

Female participation in the workforce, particularly in services, has increased in the last decade. However, employment gains by women were often inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace and by the resurgence of Islamic fundamentalist values. Some observers have noted that even educated women often lacked self-confidence and social awareness and sought only a limited degree of occupational and social equality with men.

Children.—The Government subsidized education (which is compulsory until age 15) and medical care, and it has improved the welfare of children; however, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services.

Sudanese girls reportedly have been trafficked and sold as slaves in the country (*see* Section 6.f.).

FGM was practiced on young girls.

Persons with Disabilities.—No information was available on the Government's efforts, if any, to assist persons with disabilities.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab and Amazigh ancestry constituted 97 percent of the population. The principal minorities are Amazighs and sub-Saharan Africans. There were frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south. The Government manipulated the tribes to maintain a grip on power by rewarding some tribes with money and government positions and repressing and jailing members of various other tribes. The Government also has attempted to keep the tribes fractured by pitting one against another.

Foreigners constituted a significant part of the workforce. According to some estimates, there were 2.5 million foreign workers. Africans in particular have become targets of resentment in the past. In October 2001, mobs of citizens in several locations reportedly killed 150 African workers, including a Chadian diplomat. The Government dispersed the rioters, but then reportedly expelled hundreds of thousands of African workers (*see* Sections 1.a., 2.d., and 6.e.). In September 2000, mobs beat

and killed numerous African workers and, in some cases, burned their places of residence and employment. The mobs blamed the foreign population for increased crime and the presence of HIV/AIDS in the country.

Section 6. Worker Rights

a. The Right of Association.—Independent trade unions and professional associations are prohibited, and workers do not have the right to form their own unions. The Government regards such structures as unacceptable “intermediaries between the revolution and the working forces.” However, workers may join the National Trade Unions’ Federation, which was created in 1972 and is administered by the People’s Committee system. The Government prohibited foreign workers from joining this organization.

The official trade union organization played an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. The Arab Maghreb Trade Union Federation suspended the membership of the country’s trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, and in some cases, with loyal followers without union experience.

b. The Right to Organize and Bargain Collectively.—Collective bargaining does not exist in any meaningful sense, because labor law requires that the Government must approve all agreements.

The law does not provide workers with the right to strike. In a 1992 speech, Qadhafi claimed that workers were permitted to strike but added that strikes do not occur because the workers control their enterprises. There were no reports of strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is not prohibited by law, and there was no information regarding whether the law prohibits forced or bonded labor by children or whether such practices occurred. In its 2000 report, the International Labor Organization’s (ILO) Committee of Experts stated that in the country “persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment,” including “an obligation to perform labor.” The ILO report also noted that public employees may be sentenced to compulsory labor “as a punishment for breaches of labor discipline or for participation in strikes, even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population.”

There have been credible reports that the Government arbitrarily forced some foreign workers into involuntary military service or has coerced them into performing subversive activities against their own countries.

Despite the Penal Code’s prohibition on slavery, citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 18. There was no information available on the prevalence of child labor, or whether forced or bonded labor by children is prohibited or practiced (see Section 6.c.).

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours.

Wages, which are forbidden by the Green Book and are actually paid in the form of “entitlements” to workers, frequently were in arrears. A public sector wage freeze was imposed over a decade ago particularly in the face of consistently high inflation. According to some reports, the average family lived on \$170 (86.7 dinars) a month. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the Government heavily subsidized rent, utilities, oil, and every day food staples such as flour and sugar. The legal maximum workweek is 48 hours.

Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information regarding whether a worker may remove himself from an unhealthy or unsafe work situation without risking continued employment.

Although foreign workers constitute a significant percentage of the work force, the Labor Law does not accord them equality of treatment. Foreign workers were permitted to reside in the country only for the duration of their work contracts and

could not send more than half of their earnings to their families in their home countries. They were subject to arbitrary pressures, such as changes in work rules and contracts, and had little option but to accept such changes or to depart the country. Foreign workers who were not under contract enjoyed no protection.

In 1997 the U.N. Committee on Economic, Social, and Cultural Rights cited inadequate housing, threats of imprisonment to those accused of disobeying disciplinary rules, and accusations of causing a variety of societal problems as some of the problems in the Government's treatment of foreign laborers.

The Government used the threat of expulsion of foreign workers as leverage against countries whose foreign policies ran counter to the Government's.

In October 2001, mobs of citizens in several locations reportedly killed 150 African workers, leading to the deportation of hundreds of thousands of African workers by the Government (*see* Sections 1.a., 2.d., and 5). The violence followed similar attacks on African workers in September 2000.

f. Trafficking in Persons.—There was no information available regarding whether the law specifically prohibits trafficking in persons. However, the offenses of prostitution and related offenses, including sexual trafficking are illegal in the Penal Code.

There have been reports of trafficking in persons. The country was a place of transit for women trafficked from Africa to central Europe, and there were reports that Sri Lankan women were transported through the country as well. In August 2001, Senegalese authorities detained 100 young Senegalese women from boarding a charter flight to the country. According to a media report, in September 2001 two French nationals of Senegalese origin were arrested and charged with organizing international prostitution. There were reports that these women were being sent to the country to work as prostitutes.

Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (*see* Section 6.c.).

MOROCCO

The Constitution provides for a monarchy with a Parliament and an independent judiciary; however, ultimate authority rests with the King, Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the Parliament, call for new elections, and rule by decree. Since the constitutional reform of 1996, the bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counselors, whose members are elected by various regional, local, and professional councils (members of whom are elected directly). The Lower House of Parliament also may dissolve the Government through a vote of no confidence. In September the country held parliamentary elections for the lower chamber that were widely regarded as the first free, fair, and transparent elections in its history. There were instances of administrative mistakes that hampered the voting process in some areas. There were some charges of party members engaging in vote-buying and other irregularities, which the Government was continuing to investigate at year's end. The entire voting process was changed, and was confusing to some voters, which may have reduced turnout (52 percent). Unlike in the past, the Ministry of the Interior oversaw the elections in a manner widely regarded as fair, and actively pursued those who violated electoral laws. The King consulted with the heads of the major political parties concerning the formation of a new government and appointed nonparty member and former Interior Minister Driss Jettou as the new Prime Minister. The judiciary remained subject to government influence and corruption, although government reforms aimed at improvement.

The security apparatus included several overlapping police and paramilitary organizations. The Border Police and the National Security Police were departments of the Ministry of Interior; the Judicial Police lay within the jurisdiction of the Ministry of Justice; and the Royal Gendarmerie reported to the Palace. Civilian authorities maintained effective control of the security forces. Some members of the security forces continued to commit serious human rights abuses, although such abuses decreased somewhat during the year.

The country had a population of approximately 30,645,000. The economy was based on large phosphate reserves, a diverse agricultural sector, fisheries, a sizable tourist industry, and a growing manufacturing sector. Citizens working abroad were

a source of substantial remittances. The Government expected a real GDP increase of 4.2 percent for the year. One in five citizens lived in poverty.

The Government generally respected the rights of its citizens in most areas; however, the Government's record was generally poor in a few areas. Citizens lacked the full ability to change their government. There were two reported deaths in police custody and several prisoners have died while incarcerated. While there were some well-publicized prosecutions for abuses by security forces, the failure to prosecute most other cases raised concerns regarding the Government's commitment to resolving the problem.

Authorities, at times, arbitrarily arrested and detained persons. Human rights groups did not believe that the Government disclosed all the information about citizens who were abducted from the 1960s through the 1980s. At times, the authorities infringed on citizens' privacy rights. Prison conditions remained harsh. The Judiciary lacked independence.

A new Press Code did not change the situation substantially and freedom of the press remained restricted. The police violently dispersed peaceful demonstrations several times during the year. The Government limited freedom of religion. Human rights awareness training continued. Domestic violence and discrimination against women were common. The Government violated worker rights, subjecting unions to government interference, restricting the right to strike and the right to form unions, and using security forces to break up strikes. Child labor was a problem, and the Government did not act forcefully to end the practice of the illegal employment of young girls who were subjected to exploitative domestic servitude. Trafficking in persons was a problem. Morocco was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings.

In January the local branch of the Moroccan Association for Human Rights (AMDH) alleged that Omar Aouad died as a result of torture in the Kenitra prison. The authorities questioned some prison officials. There was no further action taken during the year.

On November 28, Mohamed Boucetta, imprisoned for petty crime, reportedly died in custody in Laayoune prison in the Western Sahara. According to Saharan activist groups, he told family members two days before his death that he was being tortured and an autopsy indicated that "blows and wounds" caused his death. A prison warden was reportedly in custody concerning the death, and the prison director was reportedly suspended. Media reports suggested that fellow inmates beat him to death. An investigation was ongoing at year's end (*see* Section 1.c.).

In 2001 a policeman was tried and convicted of torture resulting in the death of a person in custody in Sale. In February he was found not guilty on appeal; however, another policeman was convicted in the same case and was sentenced to 15 years' imprisonment (*see* Section 1.c.).

In July 2000, a Royal Armed Forces patrol took Mustapha Najiaji and another person into custody. According to the other person, the patrol beat Najiaji at a Ministry of Interior holding cell. The security forces reported Najiaji committed suicide by hanging himself. The second person later claimed Najiaji died from the beatings. The AMDH reported that the autopsy indicated that Najiaji had been the victim of violence before his death. No charges were filed in the case during the year (*see* Section 1.c.).

After a lengthy investigation, the trial of three policemen accused of manslaughter in the 1996 death in custody of Hassan Mernissi resumed in September 2000 and was still pending at year's end.

b. Disappearance.—There were no new cases of confirmed disappearance. However, the AMDH claimed that the continued practice of incommunicado detention without informing family members of those detained was evidence of the continued practice of forced disappearance (*see* Section 1.d.).

The forced disappearance of individuals who opposed the Government and its policies occurred during several decades. In 1997 the Government pledged that such activities would not recur, and that it would disclose as much information as possible about past cases. The Government provided information and death certificates for many of those who had disappeared over the years. However, hundreds of families did not have any information about their missing relatives, many of whom dis-

appeared over 20 years ago. Authorities stated that they released information on all confirmed disappearance cases.

After years of denying that Sahrawis (inhabitants of the former Spanish Protectorate of Western Sahara) were imprisoned in Morocco for military or political activity related to the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region, the Government released more than 300 such prisoners in 1991. Entire families, and Sahrawis who had disappeared in the mid-1970s, were among those released. The Government failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees formed an informal association whose principal objective is to seek redress and compensation from the Government for their detention. They reported little progress during the year in gaining government recognition of their grievances.

Since October 1998, the Royal Consultative Council on Human Rights (CCDH) has released information regarding cases of disappearance. However, human rights groups and families continue to claim hundreds more cases of disappearances than the Government, which listed only 112. Many disputed disappearances are from the Western Sahara.

In June the AMDH, the Moroccan Organization for Human Rights (OMDH) and the Forum for Truth and Justice (FVJ) organized a "Caravan of Truth" to Kelaat, M'gouna, a notorious prison for political detainees in the 1970s. More than 500 people went to plead with the authorities to release all information on all the disappeared.

The CCDH also was responsible for assisting the Royal Arbitration Commission in providing compensation to victims of past human rights abuses, or their surviving family members, including Sahrawis. According to the CCDH, the Commission had resolved 422 cases, involving 1027 persons during the first 6 months of the year. However, numerous cases remained pending at year's end.

Nevertheless, human rights organizations continued to maintain that the compensation process was inadequate. Some groups also criticized the small number of cases settled, citing that thousands remained. The CCDH maintained that it completed the disappearance and Sahrawi cases and currently was investigating individual claims, which took longer to resolve.

Associations that sought information regarding those who have disappeared called upon the Government for full disclosure of events surrounding cases that date back to the 1960s. Associations in the Western Sahara that sought information on disappearances were not free from government interference; there were reports that some members of these associations were harassed and intimidated while seeking information regarding missing Sahrawis. Some also continued to be denied passports (*see* Section 2.d.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture, and the Government claimed that the use of torture has been discontinued; however, some members of the security forces tortured or otherwise abused detainees. The Penal Code stipulates sentences up to life imprisonment for public servants who "use or oblige the use of violence" against others in the exercise of their official duties. By law, pretrial-investigating judges must, if asked to do so or if they themselves notice physical marks that so warrant, refer the detained person to an expert in forensic medicine. However, according to human rights groups, judges often ignored this requirement in practice. While there were some well-publicized prosecutions for abuses by security forces, the failure to prosecute most other cases raised concerns regarding the Government's commitment to resolving the problem.

In March approximately 50 off-duty soldiers assaulted civilians in El Hajeb, resulting in more than 20 persons injured (*see* Section 6.f.). The Gendarmerie arrested six of the soldiers, who were tried by a military court and sentenced to 2 months in prison.

The family of Mohamed Boucetta, who died in custody in Laayoune on November 28, claimed that he said that he was being tortured (*see* Section 1.a.).

In February 2001, as a result of police torture a person died in custody in Sale (*see* Section 1.a.).

No charges were filed, nor are likely to be, in the following cases of alleged torture in 2000: Mustapha Najaji (*see* Section 1.a.); Abderrahmane Jamali by police in Casablanca at the request of another person; two cases to extort money by a Royal Gendarmerie officer in Zaio; a Sahawari student in Marrakech after demonstrations; and a university student in Rabat also after a demonstration.

The Government continued to admit past torture and abuses. While it was not willing to prosecute those responsible, the Royal Arbitration Commission continued

to hear and rule on claims and offer restitution to victims and has permitted human rights groups to organize conferences on the subject. In June Supreme Court President Driss Dahak, also President of the Royal Advisory Council on Human Rights, met with Inge Genefke, founder of the International Council for the Rehabilitation of Victims of Torture (a Danish NGO), to discuss financial compensation to victims and the importance of the rehabilitation process. Genefke also urged the Government to permit the U.N. Committee Against Torture to make confidential investigations in the country and to consider individual complaints.

During the year, police violently dispersed demonstrators (see Section 2.b.).

Prison conditions remained harsh, and did not generally meet international standards, despite some improvements in medical care and efforts to expand capacity. Separate facilities were nonetheless maintained for men and for women and for minors. Pretrial detainees were not held separately from convicts.

Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. Several fires at prisons, including one in November at El Jadida that claimed 50 lives, raised anxiety about poor incarceration conditions.

In June the Observatory of Moroccan Prisons (OMP) alleged that 12 percent of prisoners were minors that the prison administration failed to protect. The OMP continued to call attention to problems of corruption, maltreatment, malnutrition, sexual abuse, lack of training and education, drug abuse and violence within the prisons, as well as the issue of incarcerating first-time offenders with hardened criminals.

The Government permitted monitors from international humanitarian organizations to visit prisons, including those holding alleged "political prisoners"; however, no organizations visited such prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution does not prohibit arbitrary arrest or detention, and police continued to use these practices. Although legal provisions for due process have been revised extensively in recent years, reports indicated that authorities sometimes ignored them. Although police usually made arrests in public and during the day, they did not always identify themselves and did not always obtain warrants. Preventive detention is limited to 48 hours, with one 24-hour extension allowed at the prosecutor's discretion. In state security cases, the preventive detention period is 96 hours; the prosecutor may also extend this time. Defendants are denied access to counsel during this initial period, which is when the accused is interrogated and abuse or torture is most likely to occur. There is no access to family members during the initial period. Some members of the security forces, long accustomed to indefinite precharge access to detainees, continued to resist the time limits.

The police were required to notify a person's next of kin of an arrest "as soon as possible." However, lawyers were not always informed promptly of the date of arrest, and thus were not able to monitor compliance with the preventive detention limits. While the law provides for a limited system of bail, it rarely was granted. However, defendants in some instances were released on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate military code, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year prior to trial.

In July Human Rights Watch claimed that about 80 persons had been arbitrarily arrested for al-Qa'ida involvement. Tangier Islamist Abdelouahed Bekhout, accused of al-Qa'ida ties, was released after 40 days confinement on July 12, due to lack of evidence. Most of the remaining detainees were also released.

The law provides for forced exile; however, there were no known instances of its use during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts were subject to extrajudicial pressures, including government influence. Some members of the judiciary were corrupt and delays were lengthy in some cases. The Government continued to implement reforms intended to increase judicial independence impartiality, and efficiency.

There are four levels in the common law court system: Communal and district courts; courts of first instance; the Appeals Court; and the Supreme Court. While in theory there is a single court system under the Ministry of Justice, other courts also operate, including: The Special Court of Justice, which handles cases of civil service corruption; administrative courts; commercial courts; and the military tri-

bunal, which also tries state security cases on certain occasions (although the Government may also direct state security cases to the regular court system).

Although there is a single court system for most nonmilitary matters, family issues are adjudicated by a Family Court system formed in July whose judges are trained in Shari'a (Islamic law) as applied in the country. It is not necessary to be a lawyer to become a judge, and the majority of judges are not lawyers. All new judges are graduates of a 3-year training program.

In general detainees are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires him to exclude it from evidence. However, according to reliable sources, cases often were adjudicated on the basis of forced confessions.

While appeal courts may in some cases be used as a second reference for courts of first instance, they primarily handle cases involving crimes punishable by 5 years or more in prison. In practice defendants before appeals courts who are implicated in such crimes consequently have no method of appeal. The Supreme Court does not review and rule on cases sent to it by courts of appeal; the Supreme Court may overturn an appellate court's ruling on procedural grounds only. The absence of appeals for defendants in such crimes therefore becomes more problematic given the fact that an investigation into the case by an examining magistrate is mandatory only in those crimes punishable by sentences of life imprisonment or death.

There was some progress in judicial reform, especially in public corruption and judicial disciplinary cases. Efforts continued with modest success to increase efficiency and to end petty corruption, which, according to most observers, remained a routine cost of court business. Additionally, the court system remained subject to extrajudicial pressures.

In June in a well publicized public corruption case, 10 people accused of embezzling tens of millions of dollars from the Caisse Nationale du Credit Agricole (CNCA) were sentenced to 2 to 12 years in prison. Former Minister and ex-head of CNCA Rachid Haddaoui was sentenced to four years' imprisonment. Nine others received sentences totaling 49 years in prison. In addition, the court ordered the reimbursement of approximately \$7.4 million (74 million dirhams).

The law does not distinguish political and security cases from common criminal cases. At the Government's discretion, serious state security cases such as those relating to the Monarchy, Islam or territorial integrity may be brought before a specially constituted military tribunal, responsible to the military and the Ministry of Interior.

Aside from external pressures, resource constraints also affected the court system. Although the Ministry of Justice provides an attorney at public expense for serious crimes (when the offense carries a maximum sentence of more than 5 years), appointed attorneys who were not paid enough often provided inadequate representation.

During the year, sensitive human rights issues arose in some cases, most of which were covered openly and extensively by national and international media. Defense attorneys continued to claim that judicial processes in these cases were marked by significant irregularities, and that such irregularities infringed on the right to a fair trial for the accused.

In July 2001, Ahmed Boukhari, a former intelligence agent, made public allegations regarding the Government's role in the 1965 Paris disappearance of socialist leader Mehdi Ben Barka. Authorities subsequently brought charges against him for writing bad checks, and former colleagues successfully sued him for defamation. He served 3 months in prison on the check charge and 3 months on the defamation charge, and he paid fines in both instances.

The Ben Barka case continued to embarrass the Government. Most observers saw the cases against Boukhari as heavy-handed attempts to prevent him from talking about the Ben Barka disappearance. Nevertheless, it was freely covered in the Moroccan press. At year's end, the Government had not responded to Boukhari's request for a passport in order to travel to provide testimony in a French court.

In 1999 and 2000, Mustapha Adib, an Air Force captain, was convicted and reconvinced after the initial conviction was reversed in two military trials for violating the Military Code and libeling the military. The authorities detained Adib after he spoke out against military corruption and harassment to a journalist from the French newspaper *Le Monde*. The sentence was 2½ years in prison, and expulsion from the military. The incident remained a focus of public interest. The truth regarding Adib's accusations of corruption was not a defense and, in fact, never was contested. After his release, Captain Adib gave a number of press interviews. He ran for Parliament but was not elected.

The Government did not consider any of its prisoners to be political prisoners; however, Amnesty International (AI) identified 60 persons whom it considered to be political prisoners.

Various international human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara varied from zero to 700. No consensus on a definitive number was reached. Conditions in the Western Sahara complicate attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation or open advocacy of independence, or for other actions in violation of the law. The AMDH claimed that it knew of no persons imprisoned for having solely overtly advocated independence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant, and the law stipulates that a search warrant may be issued by a prosecutor on good cause; however, authorities sometimes ignored these provisions.

Government security services monitored certain persons and organizations, both foreign and domestic, and government informers monitored activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the law permits prison sentences and financial penalties for journalists and publishers who violate its restrictions on defamation, libel and discussion regarding three topics: The Monarchy; territorial integrity; and Islam. The Press Code lists threats to "public order" as one of the criteria for the censor to consider. Within these limits, newspapers and weeklies were published across the political spectrum and were sometimes critical of government policies.

Government control of the media generally was exercised through directives and "guidance" from the Ministry of Interior. Publications that were judged offensive could be confiscated or indefinitely suspended. The Government may censor newspapers directly by ordering them not to report on specific items or events. The Government registered and licensed domestic newspapers and journals and could use the licensing process to prevent the publication of materials that exceeded its threshold of tolerable dissent. The Ministry of Interior could control foreign publications by removing "banned" publications from circulation.

In February the Government passed a new Press Code; however, its substantive changes from the 1958 Code were minimal. The Code reflected compromises over differences between party-oriented officials of the previous government, who wanted increased press freedom, and more conservative officials in the national security, justice, and religious ministries directly appointed by the King. The Government claimed that the bill guaranteed the citizen's right to information, journalists' right to access information, and respect for the practice of journalism while respecting the Constitution, the law and ethics. The new Press Code was not well received by the Moroccan National Union of Journalists (SNPM), various political parties, human rights groups, and international NGOs.

The new law requires the Ministry of the Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law continues to provide for jail sentences (3 to 5 years, rather than the 5 to 20 of the 1958 law), fines, and payment of damages for newspaper officials found guilty of libeling public officials.

There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation during the year. The Government owned the official press agency, Maghreb Arab Press (MAP), and the Arabic daily newspaper, Al-Anbaa. The Government also supported two semiofficial dailies, the French-language *Le Matin* and the Arabic-language *Assahra Al Maghribia*. In addition the Government subsidized the rest of the press through price controls for newsprint and office space. The Government generally tolerated satirical and often stinging editorials in the opposition parties' dailies. The media continued to engage regularly in self-censorship to avoid possible sanctions.

The Government owned Moroccan Radio-Television (RTM). Another major broadcaster was the French-backed *Medi-1*, which operated from Tangier. While nominally private and independent, *Medi-1* practiced self-censorship, as do other media outlets. A government-appointed committee monitored broadcasts. The Government owned the only television stations whose broadcasts could be received in most parts of the nation without decoders or satellite dish antennas. Dish antennas were in wide use throughout the country. The Government did not impede the reception of foreign broadcasts during the year.

In January the director of the print shop "Safagraphic" accused the secret services of causing \$15,000 (150,000 dirhams) damage to his shop, which printed the books and publications of the Islamist Justice and Charity Organization (JCO).

In February the Casablanca Court of Appeals commuted to suspended terms the prison sentences and reduced the fines of the directors of the weekly *Le Journal*, whom the Minister of Foreign Affairs, Mohamed Benaissa, had sued for libel.

In April an independent weekly, *Le Reporter*, claimed that an issue of the *Al Ayyam* newspaper had been banned for publishing an interview in April with attorney Aderrahim Berrada, in which he said that officials should ask public forgiveness for human rights violations in the country.

In May authorities seized 8,000 copies of Issue No. 15 of the periodical *Wajhat Nadhar*. This issue contained an article and a transcript of an interview about the monarchy with Prince Moulay Hicham, a member of the royal family known for his liberal opinions, who is now in self-imposed exile. However, *Demain Magazine* later published a full transcript of the interview without incident.

In June the authorities apprehended Jam Roues, a member of the FVJ, while he was making photocopies of a pamphlet compiled during the Caravan of Truth movement, which he refused to turn over to the police. Another FVJ member contacted Interior Minister Driss Jettou, who ordered Roes' immediate release.

During the year, the Government banned French publications (*Le Monde*, *Liberation*, and *VSD*) for articles critical of the Monarchy.

The Government continued to block the publication of the JCO's newspapers *Al Addle Awl Insane* and *Result Al Futaba* throughout the year. The authorities blocked two of the JCO's web sites at the same time, with domestic access to them cut off.

In general the press published unflattering articles that would have been censored in past years. The press openly reported on topics such as government corruption and financial scandals, sensitive human rights cases, harsh prison conditions, torture, poverty, prostitution, violence against women, exploitation of child maids, and sexual abuse of children.

Many books that openly criticized Morocco's past were published and sold freely. Five books remained banned, all relating to disappearances and the regime of King Hassan II.

The Government did not block Internet access generally, apart from JCO's Web sites.

Academic freedom was restricted. There was no open debate on the Monarchy, the Western Sahara, and Islam. Government informers monitored campus activities, mostly Islamist, and the Ministry of Interior approved the appointments of rectors (*see* Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the law also permits the Government to suppress peaceful demonstrations and mass gatherings, and at times during the year police forcibly prevented and disrupted gatherings. Most conferences and demonstrations required the prior authorization of the Ministry of Interior, ostensibly for security reasons. Local observers generally agreed that the authorities required a declaration of a public meeting and their own authorization in order for public-venue meetings to proceed, and the authorities only allowed meetings to proceed that they considered non-threatening.

In January police violently dispersed 60 unemployed blind people demonstrating in front of the Parliament in Rabat. Many were injured and 17 were hospitalized.

In February security forces violently dispersed unemployed graduates and journalists in front of Parliament. The unemployed graduates were protesting, and the journalists were planning to attend a press conference on the new Press Code, called by the National Union of the Moroccan Press (SNPM) Secretary General Younes Moujahid. More than 60 demonstrators were injured, 11 seriously. More were injured when the security forces refused to allow additional ambulances to respond.

During the year, most meetings and marches took place peacefully without government interference. In April Rabat experienced the largest demonstration in the country's history, in support of the Palestinians. Conservative estimates placed the crowd at 250,000. The demonstration was peaceful, and the authorities acted with restraint.

Other peaceful demonstrations during the year included: An FVJ sit-in and hunger strike to raise awareness about former political prisoners; an Islamist union sit-in in front of the Education Ministry to protest the nonapplication of the new statute for teachers; and a sit-in to protest the provision of water and electricity as insufficient, irregular, and expensive.

However, there were instances of improper official intervention (and one case of non-action) during the year. In January, for example, unemployed doctors marched

in Rabat. Police intervention resulted in several injuries, and spectators condemned the violent reaction by the authorities. In February four journalists, covering a demonstration of unemployed university graduates, were beaten by police with clubs. Also in February, an Islamist student faction occupied the University of Mohammedia and assaulted numerous other students, while also unlawfully seizing campus facilities. The authorities did not intervene to stop these activities. In April the authorities prevented, for the second time, a demonstration in support of the Berber rights movement in Kabylie, Algeria.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Under a 1958 decree, which was amended substantially in 1973 to introduce restrictions on civil society organizations, persons who wished to create an organization were required to obtain the approval of the Ministry of Interior before holding meetings. In practice the Ministry used this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups encountered the greatest difficulty in obtaining official approval. Although there were over 20 active Islamist groups, the Government prohibited membership in two, the JCO and Jama'a Islamia, due to their anti-Monarchist orientation. The Ministry of Interior, which has used this power to control participation in the political process, also must approve political parties. However, individual Islamists are not barred from participating in recognized political parties.

Prior to the September Parliamentary elections, the Government decreed that any existing political party that had not participated in at least two elections would be dissolved and that public aid would not be granted to any party that did not hold a congress every four years. To create a new party, a declaration must be submitted to the Interior Ministry, signed by at least 1,000 co-founding members from all regions of the country. Before the election 37 parties were in existence (many created during the year) and 26 of them ran candidates in the elections.

The Party for Justice and Development (PJD) was the only Islamist party that participated in the elections.

c. Freedom of Religion.—The Constitution provides for freedom of religion and Jewish and Christian communities openly practiced their faiths; however, the Government placed certain restrictions on Christian religious materials and proselytizing, and several small religious minorities were tolerated with varying degrees of official restrictions.

The Government monitored the activities of mosques and placed other restrictions on Muslims and Islamic organizations whose activities were deemed to have exceeded the bounds of religious practice and become political in nature. The Constitution provides that Islam is the official religion, and designates the King as "Commander of the Faithful" with the responsibility of ensuring "respect for Islam."

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, and building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Ministry of Islamic Affairs monitored Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. At times the authorities suppressed the activities of Islamists, but generally tolerated activities limited to the propagation of Islam, education, and charity. Security forces sometimes closed mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controlled the construction of new mosques. Most mosques were constructed using private funds.

The Government barred the Islamic JCO as a political party and subjected prominent members to constant surveillance and at times refused to issue passports to them. The Government continued to block JCO web sites and publication of newspapers (see Sections 1.f., 2.a., 2.b., and 3).

The teaching of Islam in public schools benefited from discretionary funding in the Government's annual education budget, as did other curriculum subjects. The annual budget also provided funds for religious instruction to the small parallel system of Jewish public schools.

A small foreign Christian community operated churches, orphanages, hospitals, and schools without any restriction or licensing requirement. Missionaries who conducted themselves in accordance with societal expectations largely were left unhindered. However, those who proselytized publicly faced expulsion. Islamic law and tradition called for strict punishment for any Muslim who converted to another faith. Any attempt to induce a Muslim to convert was illegal.

The Government permitted the display and sale of Bibles in French, English, and Spanish, but confiscated Arabic-language Bibles and refused licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles have been sold in local bookstores. This year, there were no

known cases in which foreigners were denied entry into the country because they were carrying Christian materials, as has occurred in the past.

There are two sets of laws and courts—one for Jews and one for Muslims—pertaining to marriage, inheritance, and family matters. The family law courts are administered, depending on the law that applies, by rabbinical or Islamic authorities who are court officials. Parliament must authorize any changes to those laws.

The Government continued to encourage tolerance and respect among religions. In March the Government invited Israel to attend the International Parliamentary Union in Marrakech, despite protests. In May the organization “Al Ghadir” asked for official status. This is the first time an association of Shiite citizens asked for official recognition. No response was received from the authorities by year’s end.

Beginning in June, several preachers and religious counselors were accused of exploiting mosques for political purposes, such as promoting Islamist parties. The Ministry of Religious Affairs and Endowments called for permanent control and monitoring of mosques to avoid their exploitation for political propaganda, such as disturbing pamphlets and raising funds.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, the Government restricted this right in certain areas. The Gendarmerie maintained checkpoints throughout the country, at which drivers’ licenses and vehicle registrations were examined for validity. In the Moroccan-administered Western Sahara, authorities restricted movement in areas regarded as militarily sensitive.

The Ministry of Interior restricted freedom to travel outside the country in certain circumstances. In addition, all civil servants and military personnel must obtain written permission from their ministries to leave the country. The OMDH and AMDH compiled lists of individuals who reportedly were denied passports or who had passports but were denied permission to travel. The OMDH contended that the Government, in resorting to arbitrary administrative delays, continued to harass former political prisoners who sought to resume normal lives.

In February the FVJ demanded an explanation of the Government’s refusal to allow Ahmed Boukhari a passport to travel to Paris to testify in court concerning the Ben Barka case (see Section 1.e).

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigres, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis who departed Morocco due to the conflict in the Western Sahara, provided that they recognized the Government’s claim to the region. The Government did not permit Western Saharan nationalists who have been released from prison to live in the disputed territory.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While the country has from time to time provided political asylum to individuals, the issue of first asylum never has arisen. The law does not contain provisions implementing the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. There were no reports of forced expulsion of persons with a valid claim to refugee status.

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

Constitutional provisions establishing periodic free elections notwithstanding, citizens did not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. Constitutional changes in 1992, retained in the Constitution of 1996, authorize the Prime Minister to nominate all government ministers, but the King may nominate ministers himself and has the power to replace any minister at will. The Parliament has the theoretical ability to change the system of government. However, the Constitution may not be changed without the King’s approval. The Ministry of Interior appoints the provincial governors (walis) and district administrative officials (local caids). However, the King may nominate walis. Municipal and regional councils are elected. The Government consists of 39 cabinet-level posts, including 6 “sovereign” ministerial posts traditionally appointed by the King himself (Interior, Foreign Affairs, Justice, Islamic Affairs, Defense Administration, and Secretary General of the Government).

On September 27, parliamentary elections were held. Despite some administrative problems and some allegations of misconduct by party officials and local politicians, most observers, both domestic and foreign, concluded that the elections were generally free, fair, and transparent, the first such elections in the country’s history.

According to observers, the absence of fraud and manipulation enhanced the credibility of reform efforts generally.

In preparing for the elections, Parliament re-wrote the Electoral Code in its entirety. The new Code included a proportional list system, plus a novel "national list" of 30 seats reserved for women, as a means to increase dramatically the number of women in Parliament. By the time of elections, approximately 37 parties representing mainstream views were in existence, and 26 of them ran candidates. The Government conducted a massive voter education campaign. However, 61 percent of the electorate was illiterate, requiring the ballots to use symbols for all 26 parties. Fifty-two percent of those eligible voted, according to government statistics. The Interior Ministry publicized election violations and moved swiftly to investigate them and prosecute those responsible.

The new Parliament consisted of the 30 women who gained seats reserved for women on the National List, plus five who won seats in their local districts. The previous Parliament had two women in the lower chamber. Women occupied 85 out of 22,600 seats of local communal councils throughout the country. Several proposed parties were not allowed to form during the year. The JCO never has been granted legal status as a political party (*see* Section 2.b.).

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

The Government cooperated with local human rights monitors, who acted within the generally accepted boundaries of political discourse in the country. There were three nationally organized and government-recognized nongovernmental human rights groups: The Moroccan Organization for Human Rights (OMDH), the Moroccan League for the Defense of Human Rights (LMDDH), and the Moroccan Association for Human Rights (AMDH). Former AMDH members formed a fourth group, the Committee for the Defense of Human Rights (CDDH), in 1992. There were also numerous regional human rights organizations. The Government maintained close relations with all of these groups and generally was responsive to them. The AMDH did not cooperate officially with the Government, but usually shared information.

Founded in 1979 and 1988, respectively, the AMDH and OMDH have spent years addressing human rights abuses, and at times were harassed and restricted by the Government. However, some of their former leaders during the year occupied high level posts in the Government, and AMDH and OMDH since 2000 have had "public utility" status, which conferred financial benefits such as government subsidies in recognition of their serving the public interest.

Two prominent national human rights NGOs, the Forum for Truth and Justice (FVJ) and the Moroccan Prison Observatory (OPM), were formed in 1999. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. The OPM's main purpose was improving the treatment and living conditions of prisoners. These groups maintained fairly regular contact with government authorities throughout the year.

The Government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGOs' concern. The Government took a generally cooperative stance, even when some sensitive issues were touched upon, such as disappearances and abuses by security forces. In 2001 AI Secretary General Pierre Sane visited the country. Sane praised "the progress recorded by Morocco in the field of human rights and the methods by which the issue of detainees and exiles was dealt with." However, Sane urged the Government to improve its record regarding cases of political prisoners and the disappeared; he claimed that the Government held 60 political prisoners and had not accounted for 450 disappearances. Sane also urged the Government to investigate and prosecute those responsible for past crimes and abuses. An agreement between AI and the Government for a 10-year human rights education program was negotiated with the Ministry of Human Rights, and training began in September. The Ministry of Human Rights and the Ministry of Education provided human rights education for teachers, although by year's end the subject was not being taught in the classrooms.

In March the country's chapter of AI urged the Government to sign all international human rights conventions and to adapt laws to international standards concerning human rights.

The Government authorized the formation over the summer of a new independent NGO, the National Elections Observatory, to monitor the September 27 elections. Over 3,500 observers were trained and monitored the Parliamentary elections.

The Royal Consultative Council on Human Rights (CCDH), a 12 year-old advisory body, counseled the Palace on human rights issues, and was the organization charged by the King to resolve cases related to persons who had disappeared. De-

spite recent changes in the composition and conduct of the Council, some human rights organizations urged further changes to increase the voice of civil society in the CCDH. In December the King appointed former Minister of Justice Omar Azziman as President and former political prisoner Driss Benzekri as the Secretary General of the CCDH. Benzekri was jailed for 17 years, and, since his release, had worked helping former political prisoners file claims for compensation. He was vice president of OMDH and a leader in FVJ.

The Government continued its efforts to institutionalize human rights training within the national school curriculum. In May a delegation from AMDH, OMDH, and FVJ met with the Interior Minister to urge speeding up the slow process of examining the files of victims of human rights abuses. The Government and NGOs hosted several human rights conferences throughout the year.

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

The Constitution provides for the equality of all citizens; however, women faced discrimination in the law and in traditional practice.

Women.—Spousal violence was common. Although a battered wife had the right to file a complaint with the police, as a practical matter she would do so only if prepared to bring criminal charges. While physical abuse legally was grounds for divorce, a court would grant a divorce only if the woman were able to provide two witnesses to the abuse. Medical certificates were not sufficient. If the court found against the woman, she was returned to her husband's home. Thus, few women reported abuses to the authorities. However, there was substantial progress in making the public aware of problems concerning women, children, the handicapped and minorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexual assault. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victims' families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. Spousal rape was not a crime.

The law is more lenient toward men with respect to crimes committed against their wives. "Honor crimes," a euphemism that refers to violent assaults with intent to commit murder against a female for her perceived immodest or defiant behavior remained extremely rare. However, two cases of killings did occur in March. In Skhirat the father of 17-year old Hanna Bousalhi slit her throat and stabbed her for allegedly having a relationship with a male classmate. He was sentenced to 20 years in prison. In Sale the husband of Fatna Kriaa was convicted of killing her for allegedly having an affair with his cousin.

Prostitution was prevalent, especially in urban centers. There were thousands of teenagers involved in prostitution. Although prostitution itself is against the law, the Government did not prosecute women who were coerced into providing sexual services. Trafficking in persons, particularly in child maids, was a problem (see Section 6.c. and 6.f.).

Women were subjected to various forms of legal and cultural discrimination. The civil law status of women is governed by the Code of Personal Status (known as the "Moudawana"), based on the Malikite school of Islamic law, and revised in 1993. Women's groups called attention to unequal treatment under the Code, particularly under the laws governing marriage, divorce, and inheritance. Women do not automatically lose child custody in divorce cases. However, the courts generally rule in favor of the parent who did not file for the divorce. Citizenship passes through the father.

Under the Criminal Code, women generally are accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Code of Personal Status. Under the Code of Personal Status, women inherit only half as much as male heirs. Moreover, even in cases in which the law provides for equal status, cultural norms often prevented a woman from exercising those rights. For example, when a woman inherits property, male relatives may pressure her to relinquish her interest.

While many well-educated women pursue careers, few rise to the top echelons of their professions. Women constitute approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. In 1998 (the last official statistics available) the Government reported that the illiteracy rate for women was 67 percent (83 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education.

The King and the Government continued to promote their proposal to reform the Personal Status Code in order to advance women's rights. Islamists and some other traditional segments of society firmly opposed the proposal, especially with respect to its more controversial elements, such as reform of women's legal status in marriage and family law issues.

In March 2001, the King and Prime Minister met with 40 representatives of women's organizations at the Royal Palace. The King subsequently established a Consultative Commission for the Moudawana. Several months later, a number of organizations formed a collective, the "Spring of Equality," to protest the lack of movement on the Code of Personal Status reform. The Spring of Equality continued to protest during the year over the lack of progress in reform.

Women made dramatic progress in the parliamentary elections (*see* Section 4). Many NGOs (76 by one count) worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, all of which advocated enhanced political and civil rights, as well as numerous NGOs that provided shelters for battered women, taught women basic hygiene, family planning, and child care, and promoted literacy. In March on International Women's Day, 40 women's groups staged a sit-in in front of Parliament, demanding "Citizenship, Equality and Dignity for Women."

In February an NGO released the results of a study in Casablanca. According to the study of 300 single mothers, 31 percent were child maids under the age of 15; 28 percent were factory workers; 18 percent were unemployed; and 13 percent were adult housekeepers.

Children.—The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The law provides for compulsory education for children between the ages of 7 and 13; however, not all children between these ages attended school due to family decisions and shortfalls in government resources, and the Government did not enforce the law. School attendance between the ages of 7 and 13 was 98 percent.

The Government had difficulty addressing the problem of child labor (*see* Section 6.c. and 6.d.). Young girls were exploited as domestic servants on a very large scale (*see* Section 6.f.). Teenage prostitution in urban centers has been estimated in the thousands by NGO activists. The clientele consisted of both foreign tourists and citizens. More young girls than boys were involved.

The practice of adoptive servitude, in which urban families employ young rural girls and use them as domestic servants in their homes, was prevalent (*see* Sections 6.d. and 6.f.). Credible reports of physical and psychological abuse in such circumstances were widespread. Some orphanages have been charged as complicit in the practice. More often parents of rural girls "contracted" their daughters to wealthy urban families and collected the salaries for their work as maids. Adoptive servitude was accepted socially, was unregulated by the Government, and has only in recent years begun to attract public criticism. Since 2000 the National Observatory of Children's Rights (ONDE) has conducted a human rights awareness campaign regarding the plight of child maids.

The number of children working illegally as domestic servants was high: 45 percent of household employees under the age of 18 were between the ages of 10 and 12, and 26 percent were under the age of 10, according to a 2001 joint study by the Moroccan League for the Protection of Children and UNICEF. The legal minimum age of employment is 15 years. The report denounced the poor treatment a number of the children received, such as being forced to work all day with no breaks. The League demanded that the Government increase the minimum age for employment and strengthen the protection of child workers. The Government continued to have difficulty addressing the related problem of child labor in general (*see* Section 6.d.). However, many children worked either as domestic servants, artisan "apprentices," or in some other capacity that kept them from attending school.

Another problem facing abandoned children of both sexes was their lack of civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. If a father did not register his child, the child was without civil status and the benefits of citizenship. It is possible for an individual to self-register, but the process is long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order is required if registration does not take place in that time.

In January the issue of sexual abuse of children received increased public attention, when a 9-year old girl, Loubna Mahjoubi, died following sexual abuse. Pavillion 28, a Casablanca center that performed forensic medical examinations on child victims, reported seeing 200 abused children during the year. Half of those cases were

sexual abuse cases. Child sexual abuse may be increasing, and NGOs advocated stiffer sentences.

In April a new law provided that children born out of wedlock can now carry the father's name. Islamists criticized the new law. Single mothers were heavily stigmatized.

Persons with Disabilities.—There are no laws to assist persons with disabilities. A high incidence of disabling disease, especially polio, has resulted in a correspondingly high number of persons with disabilities. The latest statistics from the Government estimated the number of persons with disabilities at 2.2 million, or 7 percent of the population. However, other estimates were as high as 3 million. While the Ministry of Social Affairs attempted to integrate persons with disabilities into society, in practice integration largely was left to private charities. The annual budget for the ministerial department in charge of affairs concerning persons with disabilities was only 0.1 percent of the overall annual budget. The Royal Family, through the use of the Mohammed V Solidarity Fund, continued to aid the country's disabled population. Nonprofit special-education programs were priced beyond the reach of most families. Typically, their families supported persons with disabilities; some survived by begging.

National/Racial/Ethnic Minorities.—The official language is Arabic. Both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual-Arabic-speaking population from participation in such programs. Educational reforms in the past decade have emphasized the use of Arabic in secondary schools. However, failure to transform the university system similarly has led to the disqualification of many students from higher education in lucrative fields. The poor lacked the means to provide additional instruction in French to supplement the few hours per week taught in public schools.

Approximately 60 percent of the population claim Berber heritage, including the Royal Family. Berber cultural groups contended that Berber traditions and the Berber language were being lost rapidly. A number of Berber associations claimed that the Government refused to register births for children with traditional Berber names, discouraged the public display of the Berber language, limited the activities of Berber associations, and continued to Arabize the names of towns, villages, and geographic landmarks. Nevertheless, a full page of a major national newspaper was devoted on a monthly basis to articles and poems on Berber culture, which were printed in the Berber language. Official media broadcast in the Berber language for limited periods each day.

Section 6. Worker Rights

a. The Right of Association.—Workers are free to establish and join trade unions, although the laws reportedly have not been implemented in some areas, and the unions were not completely free from government interference. About 600,000 of the country's 10 million workers were unionized in 17 trade union federations. Four federations dominated the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT); the Union Generale des Travailleurs Marocains (UGTM); and the Islamist-oriented Union Nationale du Travail au Maroc (UNTM). Most were linked to political parties.

Union officers were sometimes subject to government pressure. Union leadership did not always uphold the rights of members to select their own leaders. There was no case of the rank and file voting out its current leadership and replacing it with another.

There is no law specifically prohibiting antiunion discrimination. Under the ostensible justification of "separation for cause," employers have dismissed workers for union activities that were regarded as threatening to employer interests.

According to the IFCTU, in November 2000, the management of a multinational textile factory in Sale responded to their employees' election of eight members of a trade union committee by firing all eight elected workers and posting a large banner at the factory entrance that read "NO UNION." The eight trade union leaders subsequently were harassed and assaulted by company security personnel. They were detained briefly at a police station. The Governor of Sale reportedly rejected publicly the existence of trade unions in his district. The eight workers ultimately returned to their jobs, and were able to establish a union.

The courts have the authority to reinstate such workers and were able to enforce rulings that compelled employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority.

Unions belonged to regional labor organizations and maintained ties with international trade union secretariats. The UMT was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is implied in the constitutional provisions on the right to strike and the right to join organizations; however, the laws governing collective bargaining were inadequate and often ignored in several companies and even within the public sector. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation.

Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives. However, wages for the vast majority of workers were set unilaterally by employers. Labor disputes have arisen in some cases as the result of employers failing to implement collective bargaining agreements. The most serious recent example was the Government's failure to implement an agreement negotiated with the three major teachers' unions in December 2000. Following the Government's failure to include any needed adjustments in its 2002 budget, the major teachers' unions struck for 3 days in November 2001. The strike was met with police repression, leaving several teachers injured.

While workers have a right to strike, the law requires compulsory arbitration of disputes. Work stoppages normally were intended to advertise grievances and lasted 24 to 72 hours or less. Butchers in the Greater Casablanca region conducted the most effective strike. They carried out a work stoppage of more than a week to protest increased fees at a new abattoir.

Compared to the previous year, there was a significant drop in labor unrest, which CDT leaders claimed was due less to a "détente in social tensions" than to economic stagnation. Unions organized 166 work stoppages during the first 9 months of the year resulting in 101,897 lost workdays, according to Labor Ministry statistics. During the corresponding first 9 months of 2001, there were 193 strikes resulting in 204,871 lost workdays.

During the year, the police were called out on several occasions to remove protesters who were members of the Moroccan Association of Unemployed College Graduates. In December police beat an estimated 30 unemployed graduates when they refused to disperse from the Moroccan Parliament building. Also in December the UMT complained that 24 union members at a plant in Kenitra were arrested for demanding the minimum wage of \$180 (1800 dirhams) per month. At various times, dockworkers at Casablanca Port were summarily dismissed for, as the UMT described it, "demanding their rights." Article 288 of the Penal Code, which the UMT wants repealed, permits employers to initiate criminal prosecutions of workers for stopping work if they strike. The Government has the authority to break up demonstrations in public areas that do not have government authorization, or to prevent the unauthorized occupancy of private space such as a factory.

In the past, the Government in a number of instances used security forces to break up demonstrating strikers, at times using excessive force in doing so. For example, in May 2001, 11 protesters were hospitalized after police forcibly removed them from a sit-in at the Ministry of Agriculture, and in October 2001 police violently broke up a sit-in at a strike by the port workers union USTPM.

There were no charges filed, nor are there likely to be, after investigations in the August 2000 incident in which the nephew of a private transportation company owner drove a bus into a crowd killing 3 strikers and injuring 12, nor in the February 2000 operation in Tarmilet where security forces arrested and injured dozens of striking workers using rubber bullets, tear gas, and water cannons.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker who is dismissed for committing a serious infraction of work rules is entitled by law to a court hearing that is a fundamental right and is strictly enforced.

In general the Government ensured the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

Unions resorted increasingly to litigation to resolve labor disputes. The Ministry of Labor's 496 inspectors served as investigators and conciliators in labor disputes. According to the Ministry of Labor, its inspectors were able to help resolve some 713 potential strikes affecting 573 businesses during the first nine months of the year. It claimed that its staff, over the same period, helped to reinstate 3039 employees.

Labor law reform remained controversial. According to employer groups, the law makes it extremely difficult to fire or lay off permanent employees. The standard for legally firing a permanent employee is "serious error" committed by the employee, and the courts set the burden of proof very high. Reductions in force due to economic hardship also became mired in politics and were extremely hard to implement.

Labor law applied equally to the small Tangier export zone. The proportion of unionized workers in the export zone was comparable to the rest of the economy, approximately 6 percent.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however there were reports that such practices occurred (see Section 6.f.). However, in practice the Government lacked the resources to inspect places of employment to ensure that forced labor was not being used. Forced labor persisted in the practice of adoptive servitude in households (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In January the minimum employment age rose from 12 to 15. The minimum age applies to all sectors and includes apprenticed children and those in family businesses. Various laws provide protective measures for children under 16 at work. The law prohibits children under 16 from being employed more than 10 hours per day, including a minimum of a 1-hour break. All employees are limited to a maximum 48-hour regularly scheduled workweek.

Abuse of child labor laws was common, particularly in the informal sector. In practice children often were apprenticed before age 12, particularly in small family-run workshops in the handicraft industry. Children, particularly rural girls, also were employed informally as domestic servants and usually received little or no payment. Safety and health conditions, as well as wages in businesses that employ children often were substandard.

Ministry of Labor inspectors were responsible for enforcing child labor regulations, which generally were observed in the industrialized, unionized sector of the economy. However, the inspectors were not authorized to monitor the conditions of domestic servants. The Government maintained that the informal handicrafts sector was difficult to monitor.

The Government lacked the resources to enforce laws against child labor. There was also a general acceptance of the desirability of contributing to family income, as well as the presumption that it was necessary to start working at a young age to properly learn traditional handicraft skills.

A study of child maids in Casablanca in 2000 concluded that approximately 13,000 girls under age 15 were employed there as child maids. Another study concluded there were 20,000 child maids in the country's other major cities. The study also concluded that over 80 percent of the child maids were illiterate and that over 80 percent came from rural areas. In about half of the cases, the child maid received no pay, or her pay went directly to her family. Many child maids reported long working hours, no rest breaks, and abusive conditions. Four percent reported being sexually abused in the employer's household.

As a result, the Ministry of Education, in cooperation with the Ministry of Health and UNICEF, as well as domestic NGOs such as the Moroccan League for the Protection of Children (LMPE) and National Observatory of the Rights of Children (ONDE), attempted to address the problem. They have sought to increase possibilities for child maids to receive education, health care and job training, and the opportunity to return to their families or leave their employers. Three child welfare NGOs operated centers for these purposes that received private contributions and governmental and foreign funding.

Along with UNICEF and several domestic NGOs, the ILO had several ongoing programs to attempted to provide child maids and other working children, particularly young ostensibly apprentice artisans, rudimentary education, health care, and leisure activities.

e. Acceptable Conditions of Work.—In July 2000, the Government increased the minimum wage by 10 percent to approximately \$180 (1,800 dirhams) per month in the industrialized sector and to approximately \$9 (90 dirhams) per day for agricultural workers; however, businesses in the extensive informal sector often ignored

the minimum wage requirements. Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provided a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. Unions continued to appeal unsuccessfully for a minimum wage of approximately \$180 (1,800 dirhams) per month. In many cases, several family members combined their income to support the family. Most workers in the industrial sector earned more than the minimum wage. They generally were paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage was not enforced effectively in the informal and handicraft sectors. However, the Government pay scale exceeded the minimum wage for workers at the lowest civil service grades. To increase employment opportunities, the Government allowed firms to hire recent graduates for a limited period through a subsidized internship program at less than the minimum wage. However, due to economic conditions, most were not offered full-time employment at the conclusion of their internships. According to the Government, the unemployment rate was 12 percent, but some union leaders contend that a more accurate figure, including underemployment, would be approximately 35 percent.

The law provides for a 48-hour maximum workweek, with no more than 10 hours worked in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. As with other labor regulations and laws, these were not observed universally and were not enforced effectively by the Government in all sectors.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. The labor inspectors attempted to monitor working conditions and investigate accidents, but lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; under the Penal Code perpetrators were prosecuted either for fraud, corruption of minors, or as persons who forced others into prostitution. Trafficking in persons was a problem.

Prostitution was prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations (*see* Section 5). Prostitution of minors took place in the village of El Hajeb near Meknes that attracted sex tourists from Europe and the Gulf. NGO activists estimated that there were thousands of teenage prostitutes in urban centers. Women and girls were sometimes forced into prostitution.

Women also were trafficked abroad. For example, in June police broke up a trafficking ring in Meknes, based on the testimony of victims who had escaped from Syria and the UAE and returned to Morocco. The victims testified that they were hired as domestics, but once in Syria and the United Arab Emirates, they were forced to work as nightclub "dancers" and prostitutes. They further testified that other young women remained in Syria, waiting to be rescued.

Internal trafficking was also a problem, particularly for women for sexual exploitation or of young girls for domestic service.

Due to fiscal constraints, the Government did not provide direct funding to NGOs offering services to victims of trafficking. However, the Government did provide in-kind support. In terms of prevention, the Government supported modest programs aimed at keeping children in school, improving education opportunities for rural girls, and expanding economic opportunities in high-risk areas.

The country was also a transit point for trafficking and alien smuggling to Europe. Hundreds of citizens and foreigners, most from sub-Saharan Africa, drown annually attempting to cross the Strait of Gibraltar.

WESTERN SAHARA

The sovereignty of the Western Sahara remained the subject of dispute between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario

forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a United Nations peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Sahrawis (as the persons native to the territory are called) lived in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed berm or sand wall encloses most of the territory.

In 1988 Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved and, a referendum has not yet taken place. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine approaches for a peaceful settlement. During the intervening 5 years, Baker has visited the region, consulted with the parties, and offered various proposals to resolve the problem.

The Moroccan government has undertaken a sizable economic program subsidizing migration and development in the Western Sahara as part of its efforts to strengthen Moroccan claims to the territory, although incomes and standards of living were substantially below Moroccan levels. The population of the territory was an estimated 400,000.

In February since the parties had made no further progress, the Special Envoy asked the U.N. Security Council to select one of four options: A referendum; a U.N. pullout; the "third way" of autonomy within Morocco; or partition of the Western Sahara. The Security Council was unable to agree on one of these options, so it extended MINURSO's mandate until January 2003, and authorized the Special Envoy to formulate a new proposal. In November King Mohammed VI publicly rejected plans sponsored by the U.N. for a referendum to determine the future of the territory, dismissing the plan as "out of date" and "null."

Since 1977 the Saharan provinces of Laayoune, Smara, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan government. Sahrawis whose political views were aligned with the Moroccan government filled all the seats allotted to the Western Sahara in the Moroccan Parliament.

On September 27, Moroccan parliamentary elections took place that were generally free, fair and transparent, albeit with isolated instances of irregularities. No Sahrawis opposed to Moroccan sovereignty were candidates in the election. The national turnout was 52 percent; however, the Government stated that 70 percent of eligible voters participated in the Western Sahara. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in October 1999.

On November 28, Mohamed Boucetta, imprisoned for petty crime, died in custody in Laayoune prison in the Western Sahara. According to Saharan activist groups, he told family members two days before his death that he was being tortured and an autopsy indicated that "blows and wounds" caused his death. A prison warden was reportedly in custody concerning the death, and the prison director was reportedly suspended. Media reports suggested that fellow inmates beat him to death. An investigation was ongoing at year's end.

As in past years, there were no new cases of disappearance in that part of the Western Sahara under Moroccan administration. The forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades; however, the Government in 1998 pledged to ensure that such activities would not recur, and to disclose as much information as possible on past cases. Those who disappeared were Sahrawis or Moroccans who challenged the Moroccan government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. Although in 1991 the Moroccan government released more than 300 such detainees, hundreds of Sahrawi and Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago, at year's end.

International human rights organizations claimed that disappearances of Sahrawis in the Western Sahara could number between 1,000 and 1,500, although conditions in the territory prevented confirmation of this figure.

The Government of Morocco failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees formed an informal association whose principal objective was to seek redress and compensation from the Government for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and Laayoune during the year. They claimed that the Government made little progress during the year in recognizing their grievances. In 2000 through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, numerous cases remained pending at year's end. Despite reforms to the CCDH structure, many still viewed the process as biased and flawed administratively.

The U.N. settlement plan called for the release of all POWs after the voter identification process was completed. MINURSO completed the voter identification process in 1999. In January the Polisario released 115 Moroccan POWs and in June released 101 additional POWs. By year's end, the Polisario held 1,260 POWs, of whom 817 had been prisoners for over 20 years. In June an International Committee of the Red Cross (ICRC) delegation visited the Moroccan POWs, and reported that their physical and psychological health remained extremely poor. There also were credible reports from Moroccan NGOs that the Polisario authority used the POWs for forced labor.

The Polisario claimed that the Moroccan government continued to hold several hundred Sahrawis as political prisoners and approximately 300 former combatants as POWs. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. Representatives of the ICRC have stated that Morocco has released all Polisario former combatants.

The Government of Morocco claimed that the Polisario detained 30,000 Sahrawi refugees against their will in camps near Tindouf in southwestern Algeria. The Polisario denied this charge. According to credible reports, the number of persons in the camps in Tindouf far exceeded 30,000, but the assertion that they wished to leave remained unsubstantiated. The Polisario reportedly have not allowed the UNHCR and WFP to conduct a census of the camps in the Tindouf area.

Police arrested and detained Sahrawis who supported Saharan independence. In June police arrested Ahmed Nassiri, Sahrawi activist and a member of the Moroccan human rights NGO, Forum for Truth and Justice (FVJ), who had been sought since the violent conflicts with police in Smara in November 2001. His trial was postponed twice due to the absence of witnesses (who were themselves imprisoned) and had not taken place at year's end. Four foreign observers followed the process. In August police arrested Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and an FVJ member. One week later he was accused of membership in a political group working for a foreign power and convicted of threats to the security of the state. Sentenced to 2 years in prison and a fine of \$1,000 (10,000 dirhams), Tamek began a hunger strike in November to protest against his conditions of detention. Moroccan human rights NGOs considered these cases to be ordinary criminal cases involving assault and property damage.

The Polisario reportedly restricted freedom of expression, peaceful assembly, and association. According to Amnesty International (AI), Moroccan authorities continued to refuse to register the independent newspaper *Sawt Al-Janoub*. In November 2001 in Smara, according to the NGO Reporters without Borders (RSF), police arrested and physically abused Nouredinne Darif, a correspondent for the weekly *Al Amal Addimocrati*, when he went to the hospital to inquire about the condition of demonstrators beaten by the police at the demonstration on the same day. While Darif was acquitted in April, a court in Laayoune convicted 14 of the Sahrawi demonstrators of arson and armed violence and other charges related to violence. According to a report of the trial by Spanish observers from the law schools of Barcelona and Badajoz, the defendants claimed that they had been tortured.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. Demonstrations were disrupted during the year. In March there was a minor civil disturbance in Laayoune. A number of Sahwari unemployed college graduates attempted a sit-in to demand jobs. The authorities forcibly disbursed the demonstrators. In September the court of appeal in Layoune confirmed the prison sentences of five of six unemployed Sahrawi university graduates who were arrested in the course of a peaceful demonstration at Smara in April 2000.

In May two other activists claimed that Moroccan authorities had tortured them for going to a mosque in memory of the death in London of Polisario official Fadel Ismail.

A number of other Sahrawis remained imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years reported that the Moroccan police continued to monitor them closely.

Political rights for the residents of Western Sahara were circumscribed. Freedom of expression and freedom of peaceful assembly and association remained very restricted. In June a Sahrawi activist claimed that the Sahrawis were unable to form political associations or politically oriented NGOs.

Freedom of movement within the Western Sahara was limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning. The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf. In June members of two NGOs representing Sahrawis who had left the Polisario camps met in Laayoune with foreign diplomats and provided photographs of victims of torture and booklets alleging that abuses took place near Tindouf.

The civilian population living in the Western Sahara under Moroccan administration was subject to Moroccan law. U.N. observers and foreign human rights groups maintained that Sahrawis had difficulty obtaining Moroccan passports, that the Moroccan government monitored the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities reacted especially harshly against those suspected of supporting independence and the Polisario. The Moroccan government limited access to the territory. International human rights organizations and impartial journalists sometimes experienced difficulty in securing admission, although an AI delegation conducted a research mission in June and July, which included the Western Sahara, focussed primarily on the issue of the "disappeared."

Moroccan laws apply in the part of the Western Sahara controlled by Morocco. As in Morocco itself, women were subjected to various forms of legal and cultural discrimination. Female illiteracy was very high, especially in rural areas.

There was little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions were present in the areas of Western Sahara controlled by Morocco, but were not active. The 15 percent of the territory outside Moroccan control did not have any major population centers or economic activity apart from nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, was not active in the Western Sahara.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the Western Sahara. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on commodities such as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibited forced labor, and it did not appear to occur in the Western Sahara.

Regulations on the minimum age of employment were the same as in Morocco. Child labor appeared to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provided families with sufficient income so that the hired child maids were not common. Children in the few remaining nomadic groups presumably worked as shepherds with other group members.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law during peak periods. Occupational health and safety standards were the same as those enforced in Morocco. They were rudimentary, except for a prohibition on the employment of women in dangerous occupations.

OMAN

The Sultanate of Oman is a monarchy that has been ruled by the Al Bu Sa'id family since the middle of the 18th century. It has no political parties, but does have one representative institution, whose members were elected directly by voters selected by the Government. The Sultan, Qaboos Bin Sa'id Al Sa'id, acceded to the throne in 1970. Although the Sultan retains firm control over all important policy issues, he has brought tribal leaders and other notable persons into the Government. In accordance with tradition and cultural norms, much decision-making is by consensus among these leaders. In 1991 the Sultan established a Consultative Council, or *Majlis Al-Shura*, which replaced an older advisory body. The Consultative Council was expanded to 83 seats for the 2000 elections, and members were chosen directly by the vote of 175,000 government-selected electors, of whom approximately 100,000 actually voted. In 1996 the Sultan promulgated by decree the country's "Basic Charter" (also known as the Basic Law), which provides for many basic human rights. Implementing legislation has only been enacted in some family, judicial administration, and financial cases; however, the Government has made it clear that the Basic Charter has the immediate force of law. While appropriate laws pertaining to various articles of the Charter will be enacted, the responsibilities delineated in the Charter came into full force when it was enacted in 1996. In cases where there is no implementing legislation, judges must render judgement in accord with the principles of the Basic Charter. The Consultative Council has no formal legislative powers but may question government ministers and recommend changes to new laws regarding economic and social policy, which on occasion leads to amendments to proposed decrees. In 2001 the Sultan appointed 53 members, including 5 women, as members of the State Council (*Majlis Al-Dawla*), which, with the Consultative Council, forms the bicameral body known as the *Majlis Oman* (Council of Oman). In November the Sultan announced his intention to permit native born citizens 21 or older to vote in the Consultative Council elections in 2003. The judiciary was not independent in practice and courts were subject to the Sultan's influence. The Sultan had the right to overturn judicial decisions on appeal.

The internal and external security apparatus fell under the authority of the Royal Office, which coordinated all intelligence and security policies. The Internal Security Service investigated all matters related to internal security. The Royal Oman Police (ROP), whose head also had cabinet status, performed regular police duties, provided security at airports, served as the country's immigration agency, and maintained a small coast guard. Unlike in previous years, there were no reports that security forces committed human rights abuses during the year. The country had a population of approximately 2.4 million, including approximately 624,000 foreigners. The country has used its modest oil revenue to make impressive economic progress and improve public access to health care, education, and social services for its citizens. The economy was mixed, with significant government participation in industry, transportation, and communications.

The Government generally respected the human rights of its citizens' in some areas; however, its record was poor in other areas. Citizens did not have the right to change their government. Police did not always follow procedures regarding arrest and detention, and in some instances police handling of arrest and detention constituted incommunicado detention. In 2000, royal decree 97/99 came into effect that detailed the rules, regulations, and procedures governing criminal and civil trials. In the past, there were instances in which due process was denied to persons tried in state security courts. Citizens must obtain permission from the Government to marry foreigners. The Government restricted freedom of expression and association. The Government must approve the establishment of all associations, and human rights organizations were prohibited. The Government did not ensure full rights for women. The Government severely restricted worker rights. Foreign workers in private firms at times were placed in situations amounting to forced labor, and abuse of foreign domestic servants was a problem.

The 1996 Basic Charter, issued as a decree by the Sultan, defines and protects many basic human rights, such as an independent judiciary, and the freedoms of association, speech, and the press. The Basic Charter states that the Government was to strive to issue all enabling laws within 2 years of November 1996. Only certain laws pertaining to the legal code for family and interpersonal relationships, to judicial reform, and to aspects of the Finance Ministry have been enacted. Local legal experts consider the rights and responsibilities delineated by the Basic Charter to have the full and immediate force of law, without the need for separate implementing legislation. Oman was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Charter specifically prohibits torture, and there were no reports of torture during the year.

Judges had the right to order investigations of allegations of mistreatment. The Basic Charter specifically prohibits “physical or mental torture” and stipulates that all confessions obtained by such methods are to be considered null and void.

In 2000, the police used tear gas and physical force to control demonstrations, and made some arrests (see Section 2.b.). In April the police broke up demonstrations but there were no reports of excessive use of force or tear gas.

Prison conditions were spartan, but appeared to meet international standards. Access to some prisoners was restricted severely. There were separate facilities for men and women, as well as separate facilities for juveniles and adults. Security prisoners were held separately and in different conditions from regular prisoners. Pretrial detainees also were held separately.

The Government did not permit independent monitoring of prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Charter provides for certain legal and procedural rights for detainees. The police may obtain warrants prior to making arrests but were not required by law to do so. However, within 24 hours of arrest, the authorities must obtain court orders to hold suspects in pretrial detention, and the police were required to file charges or request a magistrate judge to order continued detention. However, in practice the police did not always follow these procedures. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There was a functioning system of bail.

Police handling of arrests and detentions constituted incommunicado detention in some instances. The police did not always notify a detainee’s family or, in the case of a foreign worker, the worker’s sponsor of the detention. At times notification was only made just prior to the detainee’s release. The authorities posted the previous week’s trial results (including the date of the trial, the name of the accused, the claim, and the sentence) near the magistrate court building. The police did not always permit attorneys and family members to visit detainees. Judges occasionally interceded to ensure that security officials allowed such visits.

The Basic Charter prohibits exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial.—The Basic Charter affirms the independence of the judiciary; however, the various courts were subordinate to the Sultan and subject to his influence in practice. All judges are appointed by the Sultan and serve at his pleasure. The Sultan acted as a court of final appeal and interceded in cases of particular interest, such as those concerning national security. However, there were no reported instances in which the Sultan overturned a decision of the magistrate courts.

In 1999 the Sultan issued several royal decrees to establish a law on judicial authority and to affirm the independence of the judiciary as called for in the Basic Charter. The decrees formally established the judiciary as an independent, hierarchical system composed of a Supreme Court, an appeals court, primary courts (one located in each region), and, within the primary courts, divisional courts. Within each of the courts there are divisions to consider commercial, civil, penal, labor, taxation, general, and personal status cases (the latter under Shari’a). The former Authority for the Settlement of Commercial Disputes was abolished in 2001, and commercial cases were heard in primary courts. The General Prosecutor’s Office, which before the 2001 reform was under the jurisdiction of the Royal Omani Police Chief Inspector, became an independent legal entity within the Ministry of Justice. In 1999 an Administrative Court was established to review complaints against the misuse of governmental authority; it operated under the authority of the Diwan of Royal Court.

The Ministry of Justice administered all courts. The judiciary comprised the magistrate courts, which adjudicated misdemeanors and criminal matters, and the Shari’a (Islamic law) courts, which adjudicated personal status cases such as divorce and inheritance. The Labor Welfare Board attempted to mediate disputes between employers and employees. If a settlement cannot be reached, the parties may seek recourse in the appropriate courts. The courts of general jurisdiction may hear cases involving rent disputes.

In 1984 a royal decree established the magistrate court system of primary courts, appeals courts, and the Supreme Court to take over all criminal cases from the Shari'a courts. Regional courts of first instance handled misdemeanor cases, which were heard by individual judges. All felonies were adjudicated at the Central Magistrate Court by a panel made up of the President of the Magistrate Court and two judges. All rulings of the felony panel were final except for those in which the defendant was sentenced to death. The death penalty rarely was used, except in serious felonies such as murder, and the Sultan must approve death sentences. There was no provision for amputation.

The Criminal Appeals Panel also was presided over by the President of the Magistrate Court and included the court's vice president and two judges. This panel heard appeals of rulings made by all courts of first instance. In the past, specially trained prosecutors from the Royal Oman Police (ROP), all of whom were trained as police officers as well as prosecutors, carried out the role of public prosecutor in criminal cases; however, as a step toward implementing a 1999 Royal decree designed to increase the independence of the judiciary, prosecutors were made independent of the ROP.

The Criminal Code does not specify the rights of the accused. There are no written rules of evidence, codified procedures for entering cases into the criminal system, or any detailed legal provisions for a public trial. Criminal procedures have developed by tradition and precedents in the magistrate courts. In criminal cases, the police provided defendants with the written charges against them; defendants were presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense direct questions to witnesses through the judge, who was usually the only person to question witnesses in court. Article 22 of the Basic Charter provides for the presumption of innocence, and Article 23 provides for the right to counsel, ensuring for those financially unable the means to legal defense. Judges often pronounced the verdict and sentence within 1 day of the completion of a trial. Those convicted may appeal jail sentences longer than 3 months and fines over the equivalent of \$1,250 (480 rials) to a three-judge panel. Defendants accused of national security offenses and serious felonies did not have the right of appeal.

The State Security Court tried cases involving national security and criminal cases that the Government decided required expeditious or especially sensitive handling. Magistrate court judges have presided over trials in the State Security Court. Defendants tried by the Security Court were not permitted to have legal representation present. The timing and the location of the Court's proceedings were not disclosed publicly. The Court did not follow legal procedures as strictly as the magistrate courts, although prominent civilian jurists formed the judicial panel. The Sultan has exercised his powers of extending leniency, including in political cases.

The Shari'a courts were administered by the Ministry of Justice and applied Shari'a law as interpreted under the Ibadhi school of Islamic jurisprudence. Courts of first instance were located in each of the 59 wilayats, or governorates, and were presided over by a single judge, or qadi. Appeals of the rulings of the courts of first instance involving prison sentences of 2 weeks or more or fines greater than \$260 (100 rials) must be brought within 1 month before the Shari'a Court of Appeals. Panels of three judges heard appeals cases. Court of Appeals rulings themselves may be appealed, within a 1-month period, to the Supreme Committee for Complaints, which was composed of four members, including the Minister of Justice and the Grand Mufti of the Sultanate.

In 1997 the Government promulgated into law the provisions of the 1996 Basic Charter pertaining to family law which falls under the purview of the Shari'a courts. The law has regularized the nature of the cases and the range of corresponding judgments within the Shari'a court system that only deals with family law.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police were not required by law to obtain search warrants. There was a widely held view that the Government eavesdropped on both oral and written communications. Citizens were required to obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council countries. Such permission was not granted automatically. Delays or denial of permission resulted in secret marriages within the country. Marriages in foreign countries may lead to denial of entry of the foreign spouse into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Basic Charter provides for freedom of speech and of the press, the Government restricted these rights in practice. The law prohibits criticism of the Sultan in any form or medium. The authorities tolerated criticism of government officials and agencies, but such criticism rarely received media coverage.

The Press and Publication Law authorizes the Government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. Journalists and writers generally exercised self-censorship to avoid government harassment. Editorials generally were consistent with the Government's views, although the authorities tolerated some criticism regarding foreign affairs issues. The Government discouraged in-depth reporting on controversial domestic issues and sought to influence privately owned dailies and periodicals by subsidizing their operating costs. There were five daily newspapers, three in Arabic and two in English. Arabic language dailies "Al-Watan" and "Shabiba" as well as English daily "Times of Oman" were privately owned.

Customs officials confiscated videocassette tapes and erased offensive material, despite the lack of published guidelines regarding what was considered offensive. Such tapes may or may not be returned to their owners. Government censorship decisions were changed periodically without stated reason. There was a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels eased somewhat; however, it reportedly has become more difficult to obtain permission to distribute books in the local market that censors decide have factual errors regarding the country (including outdated maps).

The Government owned three local radio stations and two local television stations. In general they did not air any politically controversial material, although the state television company was allowed to broadcast public question and answer sessions between ministers and the Majlis Al-Shura; however, this only happened twice during the year. The Government did not allow the establishment of privately owned radio and television companies. The availability of satellite dishes has made foreign broadcast information accessible to those with the financial resources to obtain access to the dishes.

The appropriate government authority, such as Sultan Qaboos University, the police, or the relevant ministry must approve public cultural events, including plays, concerts, lectures, and seminars. Most organizations avoided controversial issues because of fears that the authorities may cancel their events.

The Government, through its national telecommunications company, made Internet access available for a charge to citizens and foreign residents. However, it blocked certain web sites that it considered pornographic or politically sensitive. As use of the Internet to express views normally not permitted in other media grew, the Government took additional measures to monitor and censor it. The Government placed warnings on web sites that criticism of the Sultan or personal criticism of government officials was likely to be censored, which ultimately caused some to practice self-censorship.

The Government restricted academic freedom, particularly regarding publishing or discussing controversial matters, such as politics. Professors may be dismissed for going beyond acceptable boundaries.

b. Freedom of Peaceful Assembly and Association.—The Basic Charter provides for freedom of assembly, although all public gatherings require government approval. The authorities with rare exceptions enforced this requirement. Over the course of 8 days in 2000, rare, unauthorized public demonstrations in support of the Palestinians and against Israeli and U.S. policies took place at Sultan Qaboos University and other venues. Most demonstrators were young men, and most demonstrations were peaceful. Rock throwing and vandalism of private property occurred at some locations. On one or two occasions, police used tear gas and physical force to control demonstrations and arrested some persons. After the demonstrations, the Government acted to prevent further demonstrations, through arrests and limiting demonstrations to areas that could be controlled. However, in April public demonstrations occurred in support of the Palestinian Intifada.

The Government restricted freedom of association. The law states that the Ministry of Social Development must approve the establishment of all organizations and their by-laws; however, some groups, such as certain social groups, were allowed to function without formal registration. The Government used the power to license organizations to control the political environment. It did not license groups regarded as a threat to the predominant social and political views or the interests of the Sul-

tanate. Formal registration of foreign associations was limited to a maximum of one association for any nationality. The Basic Charter's provisions in this area regulated the formation of associations.

A 2000 royal decree allowed for the formation of nongovernmental organizations (NGOs) providing services to women, children, and the elderly. Seven NGOs were registered, four relating to persons with disabilities and three professional societies. Some government-sponsored women's associations perform some associative functions and were completely dependent on government funding, while others were self-funded through membership fees, corporate donations, and product sales.

c. Freedom of Religion.—The law does not provide for freedom of religion. However, the Basic Charter protects the freedom to practice religious rites, in accordance with tradition, provided that such freedom does not breach public order. The Basic Charter also provides that Islam is the state religion and that Shari'a is the basis for legislation. Non-Muslim religious organizations must be registered with the Government.

Discrimination against individuals on the basis of religion was prohibited. There were no laws prohibiting discrimination against religious minorities. Some members of the Shi'a Muslim minority claimed that they faced discrimination in employment and educational opportunities. However, some Shi'a occupied prominent positions in both the private and public sectors, although much less so in the public sector. For example, the Ministers of National Economy (also de facto Minister of Finance), Commerce and Industry, and Health were all Shi'a. Many other government officials also were Shi'a, such as the Director General of Maritime Affairs at the Ministry of Transport and Telecommunications.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims were free to worship at churches and temples built on land donated by the Sultan. There were many Christian denominations, which utilized two plots of donated land, on which two Catholic and two Protestant churches were built. Hindu temples also existed on government-provided land. Land was made available to Catholic and Protestant missions to provide places of worship and ministry to resident Christians in Sohar and Salalah.

The Government prohibited non-Muslims from proselytizing. It also prohibited non-Muslim groups from publishing religious material, although religious material printed abroad could be brought into the country. Certain medical and educational activity by missionaries was permitted as long as missionaries did not proselytize. Members of all religions and religious groups were free to maintain links with coreligionists abroad and undertake foreign travel for religious purposes.

The Government expected all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs. The Government monitored mosque sermons to ensure that imams did not discuss political topics and stayed within the state-approved orthodoxy of Islam.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government partially restricted these rights in practice. The Government did not restrict travel by citizens within the country except to military areas. Foreigners other than diplomats must obtain a government pass to cross border points. To obtain a passport and depart the country, a woman must have authorization from her husband, father, or nearest male relative. However, a woman having a national identity card (which also must be authorized by a male relative) may travel to certain Gulf Cooperation Council countries without a passport.

The Basic Charter prohibits the extradition of political refugees, and there were no reports of the forced return of persons to a country where they feared persecution. The issue of the provision of first asylum did not arise during the year. Tight control over the entry of foreigners into the country effectively limited refugees and prospective asylum seekers from entering. There was no government policy of cooperation with the U.N. High Commissioner for Refugees or other humanitarian organizations in assisting refugees.

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

Citizens did not have the right to peacefully change their government. The Government is an autocracy in which the Sultan retains ultimate authority on all foreign and domestic issues.

In November 1996, the Sultan promulgated by decree the first defacto written constitution, known as the Basic Charter. Although it is considered to have immediate force of law, laws and regulations to implement some provisions have not been

enacted. While family, judicial, administrative, and financial implementing legislation were enacted, others have yet to be promulgated.

The law does not provide for political parties or direct elections. Citizens had indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, for redress of grievances. The Sultan appointed the governors. Successful redress depended on the effectiveness of a patron's access to appropriate decisionmakers. The Sultan made an annual 3-week tour of the country, accompanied by his ministers. The tour allowed the Sultan to listen directly to his subjects' concerns.

In 1991 Sultan Qaboos established a Consultative Council, or *Majlis Al-Shura*. In November the Sultan issued a royal decree expanding the electorate to include all native born citizens. This was a departure from the 2000 election format in which the Government established a system under which Consultative Council members, male and female, were elected directly by receiving the most votes from eligible voters in their districts. In the 2000 elections, the Government selected more than 175,000 men and women, approximately 25 percent of adult citizens, to register to vote, of whom 114,000 registered and 100,000 voted. The Government's selection criteria reportedly was based on tribal and social status; educational background; personal and professional connections; and loyalty to the Government. In 2000 the number of eligible female voters increased from 5,000 to 52,000. In August 2000 a royal decree abolished the prior procedure under which voters (or electors) had volunteered as candidates for Consultative Council seats, had their police records checked by the Government, and relied on government approval of their decision to run. The nominees with the most votes did not win appointment to the Consultative Council if the Sultan decided not to appoint them. Under the new procedures, candidates were not subject to government scrutiny, and the Sultan no longer ratified winning candidates. However, the Sultan controlled the process, and at least two sitting members of the Consultative Council were excluded from the outset from standing for reelection in 2000 possibly because of their criticism of ministers during previous Consultative Council sessions.

The Consultative Council has no formal legislative powers, which remain concentrated in the Sultan's hands; however, it served as a conduit of information between the citizens and the Government ministries. No serving government official was eligible to be a Consultative Council member. The Consultative Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend legislative changes to the Sultan, who makes the final decision. In 2001 the membership of the *Majlis Al-Dawla*, or State Council, increased from 48 to 53 members, including 5 female members. The precise responsibilities of the State Council and its relationship to the existing Consultative Council have yet to be clarified. The State Council and the Consultative Council together form the *Majlis Oman*, or Council of Oman. In 2000 a royal directive was issued prohibiting members of the Council of Oman from serving more than two 3-year terms.

The Sultan publicly has advocated a greater role for women in both the public and private sectors. Women held senior government positions, including four at the undersecretary level and there was one woman ambassador. Women constituted 30 percent of eligible voters in the 2000 elections, and, according to the Sultan's November statement of intention, all women 21 years or older will be eligible to vote in the 2003 elections.

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

The Government prohibited the establishment of human rights NGOs, and there were no government-controlled or autonomous human rights entities in the country. The existing restrictions on the freedom of speech and association did not permit any activity or speech critical of the Government.

There were no visits to the country by U.N. or international human rights organizations.

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

The Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, language, sect, place of residence, and social class. Effective government enforcement was insufficient in some areas, and societal and cultural discrimination based on gender, race, social class, and disability existed.

Women.—The law does not specifically address domestic violence against women; however, according to Shari'a, all forms of physical abuse are illegal. There was no evidence of a pattern of spousal abuse, although observers claimed that allegations of such abuse in the Shari'a courts were not uncommon and conversations with local

observers indicated that domestic violence was a real concern. Doctors did not have a legal responsibility to report either spousal or child abuse to the courts. Battered women may file a complaint with the police but more often sought family intervention to protect them from violent domestic situations. Likewise, families sought to intervene to keep such problems from public view. There were reports of employers and co-workers physically and sexually abusing domestic servants and harassing hospital nurses without being held accountable for such actions (*see* Section 6.d.). There were no government programs for abused women.

The law prohibits rape. Shari'a provides no punishment for spousal rape.

Prostitution was illegal, and due to strict cultural norms and immigration controls, was rare.

Female genital mutilation (FGM) was still practiced by very few communities in the interior and in the Dhofar region. Experts believed that the number of such cases was small and declining annually.

Many women lived within the confines of their homes. While progress has been made in changing laws and attitudes, women continued to face many forms of discrimination. Illiteracy among older women hampered their ability to own property, participate in the modern sector of the economy, or inform themselves of their rights. Government officials frequently denied women land grants or housing loans and preferred to conduct business with a woman's husband or other male relative. Women may own property. Women required permission from a male relative to leave the country (*see* Section 2.b.).

Some aspects of Islamic law and tradition as interpreted in the country also discriminated against women. Shari'a favors male heirs in adjudicating inheritance claims. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family.

Since 1970 conditions for women have improved markedly in several areas. Whereas in 1970 no schools existed for girls, the most recent figures available from the Ministry of Education in 1999 reported an enrollment rate of nearly 95 percent for all girls eligible for elementary school, and government statistics showed that girls make up 49 percent of all citizen students. The Government spent approximately 9 percent of its total budget on education. In the 2000-2001 school year, 48.7 percent of the total number of students attending public schools were girls, slightly lower than in previous years. Women constituted approximately half of the 5,000 students at Sultan Qaboos University. In 2001, 731 women and 566 men received bachelor's degrees as members of the 11th graduating class, while 2 women and 40 men received master's degrees. The university had a quota system with the apparent goal of increasing the number of men studying certain specialties. For example, women reportedly were being limited to 50 percent of the seats in the medical department. The quota system was expected to allow women to constitute a majority in some other departments.

Women also have made gains in the work force. Some educated women have attained positions of authority in government, business, and the media. Approximately 30 percent of all civil servants were women; of these, 59 percent were citizens. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The Government, the country's largest employer of women, observed such regulations, as did many private sector employers. However, many educated women still faced job discrimination because prospective employers feared that they might resign to marry or raise families. Female employees in the Government have sought administrative redress for alleged denial of promotion in favor of less capable men. Government grants for study abroad generally were divided evenly between men and women. According to recently published statistics approximately 23 percent of students who study abroad under the sponsorship of the Ministry of Higher Education were women.

Within the Government, women's affairs were the responsibility of the Ministry of Social Development (formerly the Ministry of Social Affairs, Labor, and Vocational Training). The Ministry provided support for women's affairs through funding of the Oman Women's Association (OWA) and local community development centers (LCDCs). The OWA consisted of 25 chapters, with an active membership of more than 3,000 women. Typical OWA activities included sponsoring health or sociological lectures, kindergarten services, and handicraft-training programs. The OWA also provided an informal counseling and support role for women with divorce-related difficulties, girls forced to marry against their will, and women and girls suffering from domestic abuse. The main purpose of the 50 LCDCs located throughout the country was to encourage women to improve the quality of life for their families and to improve their contributions to the community. LCDC activities focused on health and sociology lectures, childcare issues, and agricultural and traditional handicraft training programs.

Children.—The Government has made the education, health, and general welfare of children a budgetary priority. Primary school education for children, including noncitizen children, was free and universal, but not compulsory. Most children attended school through secondary school, until age 18. The infant mortality rate continued to decline, and comprehensive immunization rates rose. The Government provided free health care for children to age six. There was no pattern of familial or other child abuse, but government officials have publicly called for greater awareness and prevention of child abuse.

Child prostitution was not known to occur.

FGM was rare; it was performed mainly on young girls (*see* Section 5, women).

Persons with Disabilities.—There were no laws prohibiting discrimination against persons with disabilities. The Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance was voluntary, yet widely observed. Students in wheelchairs had easy access to Sultan Qaboos University. There was 1 government-sponsored rehabilitation center in the capital area and seventeen private rehabilitation centers throughout the country. The Government has established numerous rehabilitation centers for children with disabilities. Persons with disabilities, including blind persons, worked in government offices. While the Government could charge a small fee to citizens seeking government health care, persons with disabilities generally were not charged for physical therapy and prosthetics support.

National/Racial/Ethnic Minorities.—The Basic Charter prohibits discrimination based on racial or ethnic characteristics. While in the past, citizens of African origin claimed that they frequently faced job discrimination in both the public and private sectors, these allegations have diminished in recent years.

Section 6. Worker Rights

a. The Right of Association.—Workers did not have the right to form or to join unions.

b. The Right to Organize and Bargain Collectively.—The law stipulates that “it is absolutely forbidden to provoke a strike for any reason.” Labor unrest was rare. The law does not provide for the right to collective bargaining; however, it required that employers of more than 50 workers form a joint labor-management committee as a communication forum between the two groups. The implementation of this provision was uneven, and the effectiveness of the committees was questionable. In general the committees discussed such matters as the living conditions at company-provided housing. They were not authorized to discuss wages, hours, or conditions of employment. Such issues were specified in the work contracts signed individually by workers and employers and had to be consistent with the guidelines of the Ministry of Manpower (formerly a part of the Ministry of Social Affairs, Labor, and Vocational Training).

The law defines conditions of employment for some citizens and foreign workers. It covers domestic servants and construction workers but not temporary workers or those with work contracts that expire within 3 months.

Work rules must be approved by the Ministry of Social Development and posted conspicuously in the workplace by employers of 10 or more workers. Similarly any employer with 50 or more workers must establish a grievance procedure. Regardless of the size of the company, any employee, including foreign workers, may file a grievance with the Labor Welfare Board. In some cases, worker representatives filed collective grievances, but most grievances were filed by individual workers. Lower-paid workers used the procedure regularly. Legal counsel may represent plaintiffs and defendants in such cases.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Basic Charter prohibits forced or bonded labor for any person, including children; however, the Government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor. Employers have withheld letters of release (documents that release workers from employment contracts), which allow workers to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed, which was sufficient grounds for deportation. Many foreign workers were not aware of their right to take such disputes before the Labor Welfare Board. Others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases brought before it, the Board released the worker from service without deportation and awarded compensation for time worked under compulsion; however, employers faced no penalty other than to reimburse the worker’s back wages.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 13 from working. Children between 13 and 16 years of age may be employed, but must obtain the Ministry's permission to work overtime, at night, on weekends or holidays, or to perform strenuous labor. The Ministry of Social Development generally enforced the law; however, in practice enforcement often did not extend to some small family businesses that employ underage children, particularly in the agricultural and fisheries sectors. Child labor did not exist in any industry.

The law specifically prohibits forced or bonded labor by children, and it was not known to occur.

e. Acceptable Conditions of Work.—The Ministry of Social Development issues minimum wage guidelines for various categories of workers. In 1998 the Government raised the minimum wage for most citizens to about \$260 (100 rials) per month, plus \$52 (20 rials) for transportation and housing. Minimum wage guidelines did not apply to a variety of occupational categories, including small businesses that employed fewer than five persons, the self-employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. Many foreigners worked in occupations that were exempt from the minimum wage law, and the Government was lax in enforcing minimum wage guidelines, where applicable, for foreign workers employed in menial jobs. However, highly skilled foreign workers were well paid.

The minimum wage was sufficient to provide a decent standard of living for a worker and family. The compensation for foreign manual laborers and clerks was sufficient to cover living expenses and to permit savings to be sent home.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers have a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced. Employees who worked extra hours without compensation could file a complaint before the Labor Welfare Board, but the Board's rulings were not binding.

Every worker has the right to 15 days of annual leave during the first 3 years of employment and 30 days per year thereafter. Employers provide many foreign nationals, including domestic servants, with annual or biannual round-trip tickets to their countries of origin.

The law states that employers must not place their employees in situations involving dangerous work; however, the law does not specifically grant a worker the right to remove himself from dangerous work without jeopardy to his continued employment. All employers were required by law to provide first aid facilities. Work sites with more than 100 employees were required to have a nurse. Employees covered under the Labor Law could recover compensation for injury or illness sustained on the job through employer-provided medical insurance. The health and safety standard codes were enforced by inspectors from the Department of Health and Safety of the Directorate of Labor. As required by law, they made regular onsite inspections.

Foreign workers constituted at least 50 percent of the work force and as much as 80 percent of the private sector work force. In the past, there were reports that employers or male coworkers sexually harassed and abused foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have claimed that their employers withheld their salaries and that government officials were unresponsive to their grievances, due to investigative procedures that disadvantaged the victim. There were reports of employers physically and sexually abusing foreign domestic servants, and employers were not always held accountable for such actions. Foreign women at times have had to ask their governments' embassies for shelter to escape abuse (see Section 5).

Foreign workers at times found themselves in situations amounting to forced labor (see Section 6.c.).

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

QATAR

Qatar is a monarchy with no constitution or political parties. It is governed by the ruling Al-Thani family through its head, the Amir. The current Amir, Sheikh Hamad bin Khalifa Al-Thani, took power from his father in 1995 with the support of leading branches of the Al-Thani family, and in consultation with other leading families. This transition of authority did not represent a change in the basic governing order. The Amir holds absolute power, the exercise of which is influenced by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to gain access to the Amir to appeal government decisions. The Amir generally legislates after consultation with leading citizens, an arrangement institutionalized in an appointed advisory council that assists the Amir in formulating policy. In 1999 the Amir convened a constitutional committee to draft a permanent constitution that would provide for parliamentary elections and in July the committee completed its work and submitted a draft constitution to the Amir. In 1999 citizens participated in the first ever free and fair election of a national body, the Central Municipal Council. The second elections for the Municipal Council are scheduled for April 2003. The judiciary is nominally independent. Approximately 50 percent of the judges are foreign nationals. All judges hold their positions at the Government's discretion.

The country has efficient police and security services. The civilian security force, controlled by the Interior Ministry, consists of two sections: The police and the General Administration of Public Security. A state security investigative unit (Mubahith), which reports directly to the Amiri Diwan (the office of the Amir), performs internal security investigations, gathers intelligence, and is responsible for sedition and espionage cases. There also is a civilian intelligence service (Mukhabarat), which also reports directly to the Amiri Diwan. There were no reports that security forces committed human rights abuses.

The population is approximately 600,000, of whom 150,000 are believed to be citizens. The State owns most basic industries and services, but the retail and construction industries are privately owned. Oil is the principal natural resource now exploited, but the country's extensive natural gas resources play an increasingly important role. Rapid development in the 1970s and 1980s created an economy in which foreign workers, mostly South Asian and Arab, represent approximately 85 percent of the workforce. The Government has aimed for a modest increase in the participation of local nationals in the workforce. Many government jobs are offered generally only to citizens and private sector businesses are encouraged to recruit citizens as well.

The Government generally respected the human rights of its citizens; however, its record remained poor in some areas. Citizens did not have the right to change their government peacefully. The Government severely limited the rights of assembly and association. The Government restricted freedom of religion, although it continued to take some steps to ease restrictions on the practice of non-Muslim religions. Women's rights were restricted by law and social customs. Women have the right to vote. The Government severely restricted workers' rights. At times some domestic servants were mistreated and abused. Noncitizens, who make up more than 75 percent of local residents, faced discrimination in the workplace. The country also was a destination for trafficked persons. Qatar was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and there were no allegations of torture by security forces during the year. There were unconfirmed allegations in previous years that some of the defendants in the trial of the 1996 coup plotters (*see* Sections 1.d. and 1.e.) had been tortured while in police custody; however, government officials have denied the allegations. The Government administered most corporal punishment prescribed by Islamic law but did not allow amputation. Punishments were not administered publicly.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees

were held separately from convicted prisoners. In 2000 the International Committee of the Red Cross visited prisons; no other organization has requested prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the police had the discretion to arrest persons based on minimal suspicion. Unlike in previous years, there were no reports of arbitrary detention in security cases. The authorities generally charged suspects within 48 hours. Suspects usually are presented to the Attorney General within 24 hours of arrest. The Attorney General decided whether to hold the suspect up to a maximum of 4 days, after which time the suspect was presented before a judge, who may order the suspect released or remanded to custody to await trial. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations or order the release of the suspect through bail. Lengthy pretrial detention was not known to occur. The accused is entitled to legal representation throughout the process. There were no provisions for making legal counsel available to indigents at state expense. Suspects who were detained in security cases generally were afforded access to counsel; however, they may be detained indefinitely while under investigation. During the year, there were no cases of incommunicado detention.

In 2001 the Appeals Court upheld the guilty verdicts and sentenced to death 19 of those convicted of involvement in a 1996 coup attempt, including the prime suspect Sheikh Hamad Bin Jassim Bin Hamad Al-Thani. The final decision to carry out or commute the executions rested with the Amir. By year's end, the Amir had not made a decision, and the 19 remained in prison. The remaining 14 suspects' sentences of life imprisonment were upheld (*see* Section 1.e.).

The law does not address forced exile and in the past the Government has used forced exile; however, there were no reported cases of forced exile during the year.

e. Denial of Fair Public Trial.—Although the judiciary nominally is independent, most judges were foreign nationals holding residence permits granted by the civil authorities. All judges held their positions at the Government's discretion. Approximately 50 percent of the judges are citizens. The Amir appoints all judges for renewable 3-year terms.

Responsibility for the judiciary was shared among the bureaucracies of three ministries. Adlea (Civil Law) courts were subordinate to the Ministry of Justice, Shari'a (Islamic law) courts worked for the Ministry of Endowments and Islamic Affairs, and Prosecutors fell under the Ministry of Interior.

The Adlea courts had jurisdiction in commercial, national security, all forms of trafficking (including drugs, contraband, and persons), and criminal matters. The Shari'a courts had jurisdiction in family, inheritance, deportation, wrongful injury, and most other civil cases. The law provides for the establishment of ad hoc state security courts. Although there have been no cases before these courts since the current Amir assumed power, they were not abolished formally by law and remain an option. Defendants tried by all courts had the right to appeal. The Appeals Court is the highest in the country.

The Shari'a courts applied most principles contained in the draft Family Status Law, which covered marriage, inheritance, and juvenile matters, to cases under adjudication. Some provisions of the legislation continue to be debated. Shari'a trials usually were brief. Shari'a family law trials often were held without counsel; however, an increasing number of litigants, especially women, used lawyers to present their cases. After both parties stated their cases and examined witnesses, judges usually delivered a verdict after a short deliberation.

Criminal cases normally were tried within 2 to 3 months after suspects were detained. Suspects were entitled to bail, except in cases of violent crime. Citizens or noncitizens were allowed to provide bail. Foreigners who were charged with minor crimes were permitted to be released to a citizen sponsor, although they were prohibited from departing the country until the case was resolved. Defendants in the civil courts had the right to be represented by defense attorneys.

Both Muslim and non-Muslim litigants may request the Shari'a courts to assume jurisdiction in family, commercial, and civil cases. Trials in both the Adlea and the Shari'a courts were public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive. Lawyers in the past did not play a formal role except to prepare litigants for their cases; however, an increasing number of litigants availed themselves of a lawyer to present their cases, particularly in divorce cases. In such cases, lawyers prepared the litigants and spoke for them during the hearing. Non-Arabic speakers were provided with interpreters. Defendants were entitled to legal representation throughout the trial and pretrial process.

Foreign residents were disadvantaged in cases involving the performance of labor contracts.

Defendants appeared before a judge for a preliminary hearing within 4 days of their arrest. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations. Lengthy pretrial detention was not known to occur.

After a public trial of persons arrested for involvement in the 1996 coup attempt, in 2000 trial judges sentenced 33 defendants to life imprisonment. Nine of them were tried in absentia. Another 85 defendants were acquitted on all charges. In 2001 the Appeals Court upheld the guilty verdicts and sentenced to death 19 of the 33 convicted; the Amir had not made a decision by year's end whether to carry out or commute the death sentences (*see* Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided a great deal of protection against arbitrary intrusion for citizens and residents; there was no distinction between citizens and noncitizens. A warrant must be obtained before police may search a residence or business, except in cases involving national security or emergencies. Judicial authorities issued search warrants. There were no reports of unauthorized searches of homes during the year. The police and security forces were believed to monitor the telephone calls of suspected criminals, of those considered to be security risks, and of selected foreigners.

Citizens must obtain government permission to marry foreigners and to apply for residence permits or citizenship for their spouses; such permission generally was granted.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech and of the press, and the Government imposed some restrictions on these rights in practice. There was no formal censorship of the media.

Citizens expressed many of their views freely and in public. Although sensitive political and religious questions were off-limits, for many citizens there was little fear of government monitoring of their speech; however, the larger noncitizen population did not enjoy the same latitude and did not express itself freely and publicly. Unlike in previous years, there were no prosecutions for the expression of views considered offensive to the Government.

While none of the five daily newspapers, three in Arabic and two in English, are state-owned, the owners or board members generally are either high-level government officials or have ties to government officials. Copies of foreign newspapers and magazines were censored for explicit sexual content. The law provides for criminal penalties and jail sentences for libel. All cases involving the media fall under the jurisdiction of the criminal courts. Journalists continued to practice self-censorship due to social and political pressures when reporting on government policies, the ruling family, and relations with neighboring states.

Although personal criticism of government officials was rare, the performance of ministries was the subject of extensive reporting. During the year, the Minister of Health in particular faced substantial criticism in the press and from the Advisory Council for the poor performance of the public health and hospital systems. In 2001 the Ministry of Education sued one Arabic language newspaper for a critical report on public schools, but the case was dismissed when it came to trial.

The Censorship Office in the Qatar Radio and Television Corporation reviewed materials for pornography and material deemed hostile to Islam. There were no reports of political censorship of foreign print or broadcast news media or foreign programs, but the Internet was censored for these reasons. Customs officials screened imported print media, videocassettes, and similar items for pornography, but no longer blocked the personal importation of non-Islamic religious items (*see* Section 2.c.).

State-owned television and radio reflected government views, but the private satellite television network, Al-Jazeera Satellite Channel (JSC), provided an internationally oriented perspective that JSC and the Government both claimed to be free of government influence. Although it is privately owned, since its inception, the Government has paid some of Al-Jazeera's operating costs. Al-Jazeera's programs generally did not cover local news. Callers to a popular morning show on the state-owned radio frequently discussed topics such as government inefficiency and the lack of responsiveness by various ministries to citizens' needs, such as poor schools, failure to deliver adequate water and sewage services, and problems with the health care system.

Approximately 80,000 residents now access the Internet, which was provided through the privatized telecommunications monopoly. During the year, Internet rates for Internet Service Providers (ISP) subscribers were reduced, and prepaid and dial-up access for non-subscribers was introduced, encouraging greater access to the Internet. Internet service was censored for political, religious, and pornographic content through a proxy server, which blocked Web sites containing certain key words and phrases. A user who believed that a site was censored mistakenly could submit the Web address to have the site reviewed for suitability.

There was no legal provision or tradition of academic freedom, and instructors at the University exercised self-censorship.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for the freedom of assembly, and the Government severely limited it in practice. The Government generally did not allow political demonstrations; however, in April it permitted a peaceful demonstration during which approximately 3,000 persons protested the Israeli government's actions against Palestinians.

The law does not provide for freedom of association, and the Government severely limited it in practice. The Government did not allow political parties or membership in international professional organizations critical of the Government or of any other Arab government. Private social, sport, trade, professional, and cultural societies must be registered with the Government; registration of such groups routinely was granted. Security forces monitored the activities of such groups.

c. Freedom of Religion.—There is no legal protection for freedom of religion, and the Government officially prohibited public worship by non-Muslims; however, it permitted and protected private services.

The state religion is Islam, as interpreted by the conservative Wahhabi order of the Sunni branch. While Shi'a Muslims practiced most aspects of Islam freely, they did not organize traditional Shi'a ceremonies or perform rites such as self-flagellation.

The Government and ruling family are linked inextricably to Islam. The Ministry of Islamic Affairs controls the construction of mosques, the administration of clerical affairs, and Islamic education. The Amir participated in public prayers during both Eid holiday periods, and personally financed the Hajj journeys of poor pilgrims.

Shi'a Muslims were well represented in the bureaucracy and business community, but there were no Shi'as employed in senior national security positions. Non-Muslims were not known to face governmental or societal discrimination or violence.

Christian church officials continued to press the Government for authorization to construct churches. The Government designated plots for the Catholic, Anglican, Coptic, and other Christian communities on land set aside for the construction of churches, but had not issued building permits by year's end. In the past, the Government has raised concerns that rapid progress may provoke criticism among more conservative critics. In November the Government established diplomatic relations with the Vatican.

Non-Muslims may not proselytize, and the Government officially prohibits public worship by non-Muslims. However, it did permit and protect private services. Converting from Islam is considered apostasy, and is technically a capital offense; however, since 1971 there have been no records of execution for such a crime.

The Government did not permit Hindus, Buddhists, or other polytheistic religions to operate as freely as Christian congregations. However, there was no official effort to harass or hamper adherents of these faiths in the private practice of their religion. There were no reliable estimates of the number of non-Muslims in the country.

The Government formally prohibited the publication, importation, and distribution of non-Islamic religious literature; however, in practice individuals generally were not prevented from importing Bibles and other religious items for personal use. Religious materials for use at Christmas and Easter were available readily in local shops. However, Bibles were not available in Arabic.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools.

Both Muslim and non-Muslim litigants may request Shari'a courts to assume jurisdiction in commercial or civil cases.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice, with some notable exceptions. There were no restrictions on internal travel, except around sensitive military and oil installations. In general, women did not require permission from male guardians to travel; however, men

may prevent female relatives and children from leaving the country by providing their names to immigration officers at ports of departure. Technically women employed by the Government must obtain official permission to travel abroad when requesting leave, but the extent to which this regulation was enforced was not known. Citizens critical of the Government sometimes faced restrictions on their right to travel abroad.

All citizens have the right to return. Foreigners were subject to immigration restrictions designed to control the size of the local labor force. Foreign workers must have the permission of their sponsor employer to enter and depart the country (*see* Sections 6.c. and 6.d.), but their dependents may leave the country without restriction. Foreign women who are married to citizens were granted residence permits and may apply for citizenship; however, they were expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Asylum seekers who were able to obtain local sponsorship or employment were allowed to enter and may remain as long as they are employed.

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

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

Citizens do not have the right to change their government or the political system peacefully. The political institutions combine the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. Under the amended Provisional Constitution, the Amir must be chosen from and by the adult males of the Al-Thani family. The Government did not permit political parties or organized opposition groups.

The Amir exercises most executive and legislative powers, including appointment of cabinet members. In 1999 citizens elected a 29-member Central Municipal Council. For the first time, men and women aged 18 and older were permitted both to vote and to run as candidates in free and fair elections. The Council is a non-partisan body that addressed local issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipal Affairs and Agriculture. The Council does not have the authority to change policy.

In 1998 the Amir announced the formation of a committee to draft a permanent constitution that would provide for parliamentary elections. The constitutional committee was inaugurated in 1999 and included 36 government officials, academics, and prominent business leaders. In addition to subcommittees on the legislature, executive, and judiciary, it included a subcommittee on human rights. In July the committee completed its work and submitted a draft constitution to the Amir.

Impediments that prevented or hindered women from participating in politics included lack of experience and role models, and the traditional society, in which women are expected to be mothers and caretakers. The highest-ranking women in official positions were the Undersecretary of Education and the Vice-President of the University. There were no women on the elected Municipal Council. The Amir's sister, Sheikha Hessa al Thani, Vice President of the Supreme Council of Family Affairs, was given the title of Minister.

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

The Government does not permit independent local human rights organizations to exist. However, on November 11, the Amir announced the establishment of a National Committee for Human Rights, to be composed of representatives drawn from both government ministries and civil society. The Committee was charged with investigating human rights violations and improving local human rights conditions. By year's end, members had not been named and the Committee had not yet met.

No international human rights organizations were known to have requested to investigate conditions in the country during the year. However, Amnesty International and foreign embassies were invited to send observers to sessions of the public trial of those accused in the 1996 coup attempt. Foreign observers attended the trial sessions held in 2001.

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

The law prohibits discrimination in the workplace; however, institutional, cultural, and legal discrimination based on gender, race, and social status existed.

Women.—According to Shari'a, all forms of physical abuse are illegal. The maximum penalty for rape is death. Shari'a provides for no punishment for spousal rape. According to a local nongovernmental organization (NGO) on family issues, domestic violence against women occurred, but was not widespread. The police investigated reports of violence against women. In the past few years, the Government has demonstrated an increased willingness to make arrests in cases of domestic violence, whether against citizens or foreigners. However, offenders who are citizens usually received lighter punishments than did foreigners. During the year, there were no publicized arrests or convictions for domestic violence.

Some employers mistreated some foreign domestic servants, especially those from South Asia and the Philippines. In most cases, the mistreatment involved nonpayment or late payment of wages, but also included rape and physical abuse (see Section 6.e.). Foreign embassies provided shelter for maids who left their employers as a result of abuse or disputes. Abused domestic servants usually did not press charges for fear of losing their jobs.

The legal system allows leniency for a man found guilty of committing a "crime of honor," a euphemism that refers to a violent assault against a woman for perceived immodesty or defiant behavior; however, such honor killings are rare and none received public attention during the year.

The activities of women were restricted closely both by law and tradition. For example, women were prohibited from applying for driver's licenses unless they had permission from a male guardian. This restriction did not apply to noncitizen women. The Government adhered to Shari'a as practiced in the country in matters of inheritance and child custody. Muslim wives have the right to inherit from their husbands. However, they inherit only one-half as much as male relatives. Non-Muslim wives inherit nothing, unless a special exception is arranged. In cases of divorce, Shari'a is followed; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. However, local authorities did not allow a noncitizen parent to take his or her child out of the country without permission of the citizen parent. Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves. According to Shari'a, the testimony of two women equals that of one man, but the courts routinely interpret this on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim; however, many make a personal decision to do so. A noncitizen woman is not required to become a citizen upon marriage to a citizen. Children born to a Muslim father are considered to be Muslim.

The legal system follows Shari'a law in matters of inheritance and child custody. Muslims have the automatic right to inherit from their spouses; however non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one third of the total) of their estates. Muslim wives have the right to inherit from their husbands. However, they inherit only one-half as much as male relatives. In cases of divorce, young children usually remain with the mother, whatever her religion. However, the Government did not allow noncitizen parents, even if they have custody of their children, to take them out of the country without the permission of the citizen parent, which effectively discriminated against non-Muslim parents.

Professional opportunities for women increased. Many serve as senior professionals in government service, education, health, and private business. Women made up 14 percent of the overall workforce, and 26 percent of the local national workforce, including as university professors, public school teachers, and police. Women appeared to receive equal pay for equal work; however, they often did not receive equal allowances. These allowances generally covered transportation and housing costs.

Although women legally were able to travel abroad alone (see Section 2.d.), tradition and social pressures caused most to travel with male escorts. There also have been complaints that citizen husbands took their foreign spouses' passports and, without prior approval, turned them in for local citizenship documents. The husbands then informed their wives that the wives had lost their former citizenship. In other cases, foreign wives have reported being forbidden by their husbands or in-laws to visit or to contact foreign embassies.

The Government actively supported women's education. Females constituted approximately two-thirds of the student body at the University. Increasingly women received government scholarships to pursue degrees at foreign universities.

There were no independent women's rights organizations, nor has the Government permitted the establishment of such organizations. The Supreme Council for Family Affairs sought to improve the status of women and the family under both civil and Islamic law. During the year, the Council sponsored a symposium designed

to increase women's participation in political affairs, including the upcoming elections.

Children.—The Government demonstrated its commitment to citizens' children's rights through a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizens (both boys and girls) through the age of 18. Education through primary school (the equivalent of 9th grade) was compulsory and free for all noncitizen resident children. Medical coverage for noncitizen children was limited.

There was no societal pattern of abuse of children, apart from the trafficked, juvenile camel jockeys, which was a problem (*see* Sections 6.c., 6.d., and 6.f.).

The Supreme Council for Family Affairs, in collaboration with the Ministry of Interior, set up a hotline called the Friendly Line for use by children. The system allowed both citizen and noncitizen children to call in with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment.

Persons with Disabilities.—The law does not address the question of discrimination against persons with disabilities. The Government did not enact legislation or otherwise mandate provision of accessibility for persons with disabilities, who also face societal discrimination. The Government maintained a hospital and schools that provide high-quality, free services to persons, including noncitizens, with mental and physical disabilities.

National/Racial/Ethnic Minorities.—The Government discriminated based on nationality in the areas of employment, education, housing, and health services. Noncitizens did not receive the same benefits as citizens. They were required to pay for health care, electricity, water, and education (services that were provided free of charge to citizens) and were not permitted to own property. The largest nationality groups among noncitizens were Indian, Pakistani, and Iranian nationals, and Arab nationals of other countries. In the private sector, many citizens of Iranian origin occupied some of the highest positions.

Section 6. Worker Rights

a. The Right of Association.—The law prohibits all workers, including foreigners, from forming labor unions. The law provides for the establishment of joint consultative committees composed of representatives of the employer and workers. The right of association was limited strictly. The committees did not discuss wages but considered issues such as organization, productivity, conditions of employment, training of workers, and safety measures and their implementation.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—Workers were prohibited from engaging in collective bargaining. Wages were set unilaterally by employers without government involvement. Local courts handled disputes between workers and employers; however, foreign workers tended to avoid drawing attention to their problems with their employers for fear of being repatriated at the request of their employer.

The law provides most workers with the right to strike, but only after their particular grievance has been ruled on by the Labor Department of the Ministry of Civil Service. Employers may close a place of work or dismiss employees once the Department has heard a complaint. The Department widely was perceived to be objective, within a narrow mandate dealing with the nonpayment of wages and poor living conditions. It did not consider wage levels that were set by employers unilaterally in the absence of labor unions.

Although it was government policy to assist laborers seeking payment of late salaries due (usually through the Labor Department), small groups of laborers (10 to 20) resorted to illegal work stoppages to force payment of arrears. In 2001 1,500 employees of a local construction company went on strike to force payment of their wages. After management did not honor an initial settlement brokered by the Labor Department, employees struck again during the year, forcing immediate payment of 1 month's back wages and a new commitment to settle outstanding arrears. Also during the year, another case involved 850 employees of a construction firm in which management did not implement a settlement to pay back wages, leading to Labor Department intervention and a new commitment from management to pay wages owed.

The right to strike did not exist for government employees, domestic servants, or members of the employer's family. No worker in a public utility, health, or security service may strike if it would harm the public or lead to property damage.

Strikes remained frequent during the year. The Labor Department claimed that it resolved the vast majority of worker complaints amicably, with a very small percentage referred to the courts for judgment.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, foreign workers in some cases were employed under circumstances that constituted forced labor. Three-quarters of the workforce were foreign workers who, dependent on a single employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. In extreme cases, employers deported employees at the end of their contract in order to avoid paying them the lawfully mandated end-of-service bonus. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages.

Very young boys were used as jockeys in camel races (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides that minors between the ages of 15 and 18 may be employed with the approval of their parents or guardians, and some children work in small, family-owned businesses. Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees. Employers also must obtain permission from the Ministry of Education to hire a minor. The Department may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. Child labor occurred. Very young children, usually of African or South Asian background, were employed as jockeys in camel races (*see* Section 6.f.).

The law prohibits forced and bonded labor by children and generally enforced this prohibition effectively with respect to citizen but not noncitizen children (*see* Section 6.c.).

e. Acceptable Conditions of Work.—Although the law provides the Amir with authority to set one, there was no minimum wage. The average wage provided a decent standard of living for a worker and family. According to Planning Council statistics, the average monthly wage in 2001 was \$795 (2,902 riyals). The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hours-per-week work schedule. Employees who worked more than 48 hours per week, or 36 hours per week during the Muslim month of Ramadan, were entitled to overtime pay. This law was adhered to in government offices and major private sector companies. It was not observed with respect to unskilled laborers and domestic and personal employees, all of whom, with scant exception, were foreigners. Many such workers frequently worked 7 days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective way to redress grievances.

The Government has enacted regulations regarding worker safety, but enforcement, which is the responsibility of the Ministry of Energy and Industry, was lax. The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The law listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. Workers who suffered work-related sickness or injuries received free medical treatment provided by the Government. The law does not provide workers specifically the right to remove themselves from hazardous work conditions, and workers often hesitated to remove themselves from hazardous work conditions because of fear of dismissal.

Foreign workers may enter the country on a visitor's visa, but a sponsor then is needed to convert the visitor's visa to a work visa and the worker must have his sponsor's permission to depart the country. The Government has also penalized citizen employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation. The law provides any worker with the right to seek legal relief from onerous work conditions; however, domestic servants generally did not pursue such relief in order to avoid repatriation. Employers mistreated some foreign domestic servants. Such mistreatment generally involved the nonpayment or late payment of wages; in some cases it involved rape and physical abuse (*see* Section 5).

f. Trafficking in Persons.—The law prohibits prostitution and trafficking in persons; however, there have been reports that both children and women were trafficked to the country.

Children aged 4 to 15, mostly of African, Pakistani, and Bangladeshi origin, were used as jockeys in camel races. Guardians and handlers, who often posed as parents, brought the children into the country and supervised their training. They lived in difficult conditions and trained on a daily basis to become riders.

The country also was a destination for trafficked women and girls. Women from East Asia, South Asia, and Africa traveled to the country to work as domestic servants, and some have reported being forced into domestic servitude and sexual exploitation. The Government provided assistance to domestics who have suffered from abuse in the form of payment of back wages and repatriation.

The Government did not investigate or prosecute traffickers actively. The Government repatriated victims of trafficking upon discovering their presence and did not provide assistance to victims. It did not support public awareness campaigns regarding the problem of trafficking of women and girls.

In 2000 a national campaign was undertaken to set the minimum age of 15 and minimum weight of 100 pounds for camel jockeys. In 2001 the Government introduced new safety measures including the use of helmets and safety belts, and opened a school and health center for the riders. During the year, however, the minimum weight only was raised from 48.4 to 50.6 pounds.

SAUDI ARABIA

Saudi Arabia is a monarchy without elected representative institutions or political parties. It is ruled by King Fahd bin Abd Al-Aziz Al Saud, a son of King Abd Al-Aziz Al Saud, who unified the country in the early 20th century. A 1992 royal decree reserved for the King exclusive power to name the Crown Prince. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons. Crown Prince Abdullah has played an increasing role in governance since King Fahd suffered a stroke in 1995. The Government has declared the Islamic holy book the Koran and the Sunna (tradition) of the Prophet Muhammad to be the country's Constitution. The Government bases its legitimacy on governance according to the precepts of a rigorously conservative form of Islam. Neither the Government nor the society in general accepted the concept of separation of religion and state. The Government prohibited the establishment of political parties and suppressed opposition views. In 1992 King Fahd appointed a Consultative Council, or Majlis Ash-Shura, and similar provincial assemblies. The Majlis, an increasingly influential appointed consultative body, began holding sessions in 1993 and was expanded first in 1997 and again in 2001. The judiciary, though subject to influence by government officials, was reportedly becoming slightly more independent.

The Government maintained control of the various security forces. Police and border forces under the Ministry of Interior were responsible for internal security. Also subordinate to the Ministry of Interior were the Mubahith, or internal security force, and the elite special forces. The Committee to Prevent Vice and Promote Virtue, whose agents commonly were known as Mutawwa'in, or religious police, was a semiautonomous agency that enforced adherence to Islamic norms by monitoring public behavior. The Crown Prince controlled the National Guard. The Deputy Prime Minister and Minister of Defense and Aviation, Prince Sultan, was responsible for all the military forces. Members of the security forces committed serious human rights abuses.

The population was approximately 22.1 million. The oil industry was the basis of the transformation of the country from a pastoral, agricultural, and trading society to a rapidly urbanizing one, characterized by large-scale infrastructure projects, an extensive social welfare system, and a labor market comprised largely of foreign workers. Oil and gas revenues accounted for approximately 35 to 40 percent of the gross domestic product (GDP) and 75 percent of government income. Agriculture accounted for approximately 6 percent of GDP. Government spending accounted for 37 percent of GDP. Approximately 40 percent of the economy was nominally private, and the Government was promoting further privatization of the economy. Since 1995 the Government has aggressively campaigned to increase the number of citizens in the public and private work forces.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens did not have the right or the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and hold them in incommunicado detention. Security forces committed torture. In 2001 the Council of Ministers approved a new law regarding punitive measures that would forbid harming detainees and to allow those accused of crimes to hire a lawyer or legal agent. On May 1, the new Saudi Criminal Procedural Law went into effect. Pro-

longed detention without charge was a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. The Mutawwa'in continued to intimidate, abuse, and detain citizens and foreigners. Most trials were closed, and defendants usually appeared before judges without legal counsel. The Government infringed on citizens' privacy rights. The Government prohibited or restricted freedom of speech, the press, assembly, association, religion, and movement. However, during the year, the Government continued to tolerate a wider range of debate and criticism in the press concerning domestic issues. Discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights continued.

The Government viewed its interpretation of Islamic law as its sole source of guidance on human rights and disagreed with internationally accepted definitions of human rights. However, in the past and during the year, the Government initiated limited measures to participate in international human rights activities, such as its welcome in October of the visit of the U.N. Human Rights envoy following the Government's implementation in May of its new bill of rights Criminal Procedure Code, which the Government claimed would address some of its obligations under the Convention Against Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment.

RESPECT FOR HUMAN RIGHTS

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

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

The Government executed persons for criminal offenses after closed trials in which forced confessions were common. A few procedural safeguards were provided through the new Criminal Procedural Law, though there was little evidence of its actual implementation (*see* Sections 1.c. and 1.e.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Shar'ia (Islamic law) prohibits any judge from accepting a confession obtained under duress; however, there were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, sleep deprivation, and at least three cases of drugging of foreign prisoners. In addition, there were allegations of torture, including allegations of beatings with sticks, suspension from bars by handcuffs, and threats against family members. Torture and abuse were used to obtain required confessions from prisoners (*see* Section 1.e.). There were reports that in detention centers some boys and young men were flogged, forced constantly to lie on hard floors, deprived of sleep, and threatened with whipping and other abuse.

The Government has refused to recognize the mandate of the U.N. Committee Against Torture to investigate alleged abuses, although it has invited the committee to visit the country. However, the Government has pledged to cooperate with U.N. human rights mechanisms and announced in 2000 the establishment of a committee to investigate allegations of torture pursuant to its obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (*see* Section 4). At year's end, there was no indication that the committee had begun functioning.

In October the Government welcomed the visit of the U.N. Special Rapporteur on the independence of judges and lawyers, the first ever from the U.N. Commission for Human Rights, and allowed the U.N. Human Rights lawyer and his team to examine its criminal and civil laws, courts, and prisons. The Government's past failure to criticize human rights abuses has contributed to the public perception that security forces may commit abuses with impunity.

The Mutawwa'in continued to intimidate, harass, abuse, and detain citizens and foreigners of both sexes. They also brought citizens to police for detention. Throughout the year, both citizens and foreigners reported incidents of intimidation, harassment, and detention by the Mutawwa'in (*see* Sections 1.d. and 1.f.).

The Government punished criminals according to its interpretation of Shari'a. Punishments included flogging, amputation, and execution by beheading, stoning, or firing squad. At year's end, authorities acknowledged 43 executions, significantly lower than the 81 in the previous year. Executions were for killing, narcotics-related offenses, rape, and armed robbery. In accordance with Shari'a, the authorities may punish repeated thievery and other repeated offenses by amputation of the right hand and left foot. Persons convicted of political or religious crimes reportedly were flogged with a leather strap. Persons convicted of less serious offenses, such as alco-

hol-related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by caning.

Prison and jail conditions varied. Prisons reportedly generally met internationally accepted standards and allegedly provided air-conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. In October the Government received the U.N. Special Rapporteur on the independence of judges and lawyers and allowed him access to prisons. During his visit, the Government again publicized its intention to form a human rights committee, though no details were forthcoming at year's end. Some police stations, deportation centers, and jails, nonetheless, were overcrowded, unsanitary, and not air-conditioned. Authorities generally allowed family members access to detainees, but in some cases only after holding detainees for a significant period of time.

In 1992 King Fahd established regional Boards of Investigation and Public Prosecution. The members of these boards had the right to inspect prisons, review prisoners' files, and hear their complaints. However, the Government did not yet permit NGO human rights monitors to visit prisons or jails.

Representatives of the U.N. High Commissioner for Refugees (UNHCR) were present at the Rafha refugee camp, which houses former Iraqi prisoners of war and civilians who fled Iraq following the Gulf War. According to UNHCR officials, there was no systematic abuse of refugees by camp guards. When isolated instances of abuse surfaced in the past, the authorities were responsive and willing to investigate allegations and reprimand or remove offending guards. The camp received a high level of material assistance and was generally comfortable and well run. The Government previously confined refugees to the camp, except in the event of approved emigration (*see* Section 2.d.); however, during the year, refugees were permitted to visit the town of Rafha to shop. During the year, the Government began working with the UNHCR to make arrangements for Rafha refugees to gain employment in the Rafha area.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities at times arrested and detained persons without following explicit legal guidelines. The Mutawwa'in generally were free to intimidate and bring to police stations persons whom they accused of committing "crimes of vice" based on their own religious interpretations. There were few existing formal procedures to safeguard against abuse, although the Government claimed that it punished individual officers who violate regulations. There have been few publicized cases of citizens successfully obtaining judicial redress for abuse of the Government's power of arrest and detention. In February the press reported that at least one Court of Grievances ordered the police department in Jeddah to pay compensation to one Arab expatriate for detaining him illegally for 2 months.

According to regulation, authorities may not detain suspects for longer than 3 days before charging them. However, serious exceptions have been reported. In practice persons were held weeks or months and sometimes longer. The regulations also provided for bail for less serious crimes, although authorities at times released detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If they were not released, authorities typically detained accused persons for an average of 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest.

The Mutawwa'in have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior. In the past, they sometimes exceeded this limit before delivering detainees to the police (*see* Section 1.f.). Mutawwa'in reportedly in practice handed over detainees to police within the 24-hour period; however, in some cases police held prisoners for longer periods, depending on the offense. Procedures required a police officer to accompany the Mutawwa'in at the time of an arrest. Mutawwa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, reports continued of Mutawwa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards.

The Mutawwa'in reportedly detained young men for offenses that included eating in restaurants with young women, making lewd remarks to women in the shopping malls, or walking in groups through family-only sections of shopping centers. Women of many nationalities were detained for actions such as riding in a taxi with a man who was not their relative, appearing with their heads uncovered in shopping malls, and eating in restaurants with males who were not their relatives. Many such prisoners were held for days, sometimes weeks, without officials notifying their families or, in the case of foreigners, their embassies.

The Government continued to detain Christians, at times for holding services and at times apparently arbitrarily (*see* Section 2.c.).

During the year, the Government reportedly detained a number of Shi'a sheikhs (religious leaders)(*see* Section 2.c.).

Early in the year, the Government arrested six leaders of the Ismaili Shi'ite sect in Najran. They continued to be detained along with a reported 93 others held since the protests there. On December 3, King Fahd commuted the death penalty for 17 citizens arrested during the Najran riots to 10 years in prison and lowered the sentence from 10 to 5 years for many of the others arrested. On December 24, the Government released an elderly Ismaili religious leader, Hajj Mohammed Al-Saadi, held in a maximum security prison since the riots in 2000. He was among those whose sentences were reduced in the King's Ramadan pardon in early December.

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service (Mubahith), commonly were held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allowed the detainees only limited contact with their families or lawyers.

The authorities may detain without charge persons who publicly criticize the Government, or may charge them with attempting to destabilize the Government (*see* Sections 2.a. and 3). In late January, in celebration of King Fahd's 20 years of rule and the holy month of Ramadan, the Minister of Interior announced the release of 13,768 prisoners serving time for minor offenses, including 8,905 citizens and 4,863 foreigners.

The Government continued to commit abuses against members of the Shi'a minority. The Government reportedly continued to detain an unknown number of Shi'a who were arrested in the aftermath of the 1996 Al-Khobar bombing. Government security forces reportedly arrested Shi'a based on the smallest suspicion, held them in custody for lengthy periods, and then released them without explanation. In February the Government released Sheikh Al-Ghanim after detention for nearly 2 years; however, 16 Shi'a remained in prison at year's end.

During the year, the Public Security Department in Jeddah announced its commitment to discourage abuse by security forces through the establishment of hotlines (including telephone and fax numbers and an e-mail address) for use by the general public. These new hotlines will allow the public the opportunity to complain about any breach of law by security personnel and to report abuse by police officers. The director of Public Security in Jeddah said a special task force had been set up in the department to act on complaints and proposals from the public. The Jeddah Public Security Department also promised to compensate all proven violations made by security personnel against any citizen or expatriate.

There was no reliable information about the total number of political detainees. The Government did not use forced exile; however, it previously has revoked the citizenship of opponents of the Government who reside outside the country (*see* Section 3).

e. Denial of Fair Public Trial.—The independence of the judiciary is prescribed by law and was generally respected in practice; however, judges occasionally acceded to the influence of the executive branch, high-ranking members of the royal family and their associates, who were not required to appear before the courts. Judges are appointed by the Justice Ministry and confirmed by the Royal Diwan (Royal Court). The Ministry exercised judicial, financial, and administrative control of the courts. The Supreme Judicial Council, whose members appointed by the King, may discipline or remove judges.

The legal system is based on Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Such jurisdiction extends to non-Muslims for crimes committed in the country. Shari'a courts base judgments largely on their interpretation of the Koran and the Sunna. Cases involving relatively small penalties were tried in Shari'a summary courts. More serious crimes were adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts were made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, were held before specialized administrative tribunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permitted Shi'a Muslims to use their own legal tradition to adjudicate noncriminal cases within their community. There was no comparable right for non-Muslims or foreigners, whose cases were handled in regular Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants that are charged with violations of military regulations. The Minister of Defense and Aviation and the King review the decisions of courts-martial.

The Supreme Judicial Council is not a court and may not reverse decisions made by a court of appeals. However, the Council may review lower court decisions and refer them back to the lower court for reconsideration.

The Council of Senior Religious Scholars is an autonomous body of 20 senior religious jurists, including the Minister of Justice. It establishes the legal principles to guide lower-court judges in deciding cases.

On May 1, the November 2001 Saudi Criminal Procedural Law, went into effect. Reported by the press as a bill of rights, the 225-article law reportedly was part of a plan to restructure court procedures. The approval of the bill followed the Government's decision to allow persons under investigation the right to a lawyer and to permit lawyers to present arguments in criminal courts. In May, following the announcement of the new law's implementation, the Justice Minister issued a public statement announcing his instructions to courts and judges to inform convicts of their right to appeal rulings. According to knowledgeable attorneys there is no evidence yet of the law's implementation.

There were reports during the year that the authorities tortured detainees and pressured them to confess by isolation, blindfolding, and drugging over a period of weeks.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women.

Female parties to court proceedings such as divorce and family law cases generally must deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge almost always were required for criminal conviction—a situation that repeatedly has led prosecuting authorities to coerce confessions from suspects by threats and abuse (see Section 1.c.).

Sentencing was not uniform. Laws and regulations state that defendants should be treated equally; however, under Shari'a as interpreted and applied in the country, crimes against Muslims received harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Provincial governors have the authority to exercise leniency and reduce a judge's sentence. In general members of the royal family and other powerful families were not subject to the same rule of law as ordinary citizens. For example, judges did not have the power to issue a warrant summoning any member of the royal family.

The King and his advisors reviewed cases involving capital punishment. The King has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the killer—usually in return for compensation from the family or the King.

There was insufficient information to determine the number of political prisoners. The Government did not provide information regarding such persons or respond to inquiries about them. It did not allow access to political prisoners by international humanitarian organizations. Moreover, the Government conducted closed trials for persons who may have been political prisoners and in other cases has detained persons incommunicado for long periods while under investigation. Amnesty International previously estimated the number of political prisoners to be between 100 and 200; however, there were no current or reliable figures available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. The Government infringed on these rights. Royal decrees include provisions calling for the Government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communication except when necessary during criminal investigations. Nonetheless, there were few procedural safeguards against government interference with privacy, family, home, or correspondence.

The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home; however, warrants are not required by law.

Customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic and non-Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Christian Bibles and religious videotapes (see Section 2.c.). The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses. Informants and an informal system of ward bosses in some districts

reported "seditious ideas," antigovernment activity, or behavior contrary to Islam in their neighborhoods to the Ministry of the Interior.

The Government enforced most social and Islamic religious norms, the Government's interpretation of which are matters of law (*see* Section 5). Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council. In accordance with Shari'a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims. Marriages between Sunni and Shi'a citizens were discouraged, and any such marriages generally were made formal officiated in ceremonies in the neighboring country of Bahrain.

In March the Government announced new restrictions against citizens marrying foreigners. The Council of Ministers passed a law barring top civil servants and security officials from marrying foreigners without permission from the King. The list included ministers, judges, employees in the Royal Court and Cabinet, Majlis Ash-Shura members, diplomats and administrative staff in the Foreign Ministry, civil servants posted overseas, chairmen of boards of private companies, staff of the Defense Ministry, National Guard, internal security, intelligence service, public prosecution and customs. According to press reports, citizens who married foreigners without prior authorization no longer would qualify for any of those jobs. The marital restrictions also applied to citizens studying overseas. Violators risked disciplinary action, including being fired from their jobs and even trial.

Mutawwa'in practices and incidents of abuse varied widely in different regions of the country, but they were most numerous in the central Nejd region. In certain areas, both the Mutawwa'in and religious vigilantes acting on their own harassed, abused, arrested, and detained citizens and foreigners (*see* Section 1.d.). The Government requires the Mutawwa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawwa'in did not always comply with the requirements. During the year, the Government neither criticized publicly abuses by Mutawwa'in and religious vigilantes nor sought to curtail such abuses.

Mutawwa'in enforcement of strict standards of social behavior included the closing of commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing men from entering public places designated for families. Mutawwa'in frequently reproached citizen and foreign women for failure to observe strict dress codes and arrested men and women found together who were not married or closely related.

Local media emphasized remarks made by the Interior Minister during a November visit to the Riyadh headquarters of the Commission for the Promotion of Virtue and Prevention of Vice. The Minister called on the Mutawwa'in to respect the sanctity of private homes and refrain from activity that could be construed as prying or harassing citizens. According to credible sources, incidents with Mutawwa'in usually increased during Ramadan because many feel they have added license to assert their authority during the holy month.

Some professors believed that informers monitor comments made in university classrooms and reported them to government authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limited freedom of speech and the press; however, the Government continued to relax restrictions somewhat during the year. The authorities did not permit criticism of Islam or the ruling family, and criticism of the Government was rare. However, in November the press reported debate over religious matters. The press published critical commentary about religious authorities segregating women in the Grand Mosque in Mecca and temporarily restricting access for women from certain areas of the Prophet's Mosque in Medina. On November 15, one female citizen journalist described discrimination against female pilgrims in an article in the Arab News stating "I will continue writing about this until the authorities listen to what I have to say."

The authorities allowed the press some freedom to criticize governmental bodies and social policies through editorial comments and cartoons. For example, editors allowed publication of sensational stories of citizen experiences abroad. Also during the year, both Arabic and English newspapers reported on domestic problems, such as abuse of women, servants, and children, previously not addressed by the media. Persons whose criticisms aligned them with an organized political opposition were subject to arrest and detention until they confessed to a crime or signed a statement promising not to resume such criticisms, which was tantamount to a confession.

On occasion the Government provided direction to mosque orators and imams regarding the content of their messages; in some instances the Government has

banned imams from speaking for political comments that they made (*see* Section 2.c.).

The print media were privately owned but publicly subsidized. A media policy statement and a national security law prohibit the dissemination of criticism of the Government. The media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information appointed, and may remove, all editors in chief. It also provided guidelines to newspapers regarding controversial issues. The Government owned the Saudi Press Agency (SPA), which expressed official government views.

In 2001 the Council of Ministers approved a new press law establishing a journalists' association for citizens to address wages, benefits, and relations with management. In February the Government announced that journalists could now begin to form their own press association as approved by the Council of Ministers.

Newspapers typically published news on sensitive subjects, such as crime or terrorism, only after the information was released by the SPA or when a senior government official had authorized it. Two Saudi-owned, London-based dailies, *Ash-Sharq Al-Awsat* and *Al-Hayat*, were distributed widely and read in the country. Both newspapers tended to practice self-censorship in order to comply with government restrictions on sensitive issues.

The authorities dictated to domestic newspapers when they are allowed to release stories about the country that are based on stories in the foreign press. The authorities also continued on occasion to censor stories about the country in foreign publications. Censors removed or blackened offending articles, glued pages together, or prevented certain issues of foreign publications from entering the market. However, while this occurred, it was not consistent and frequently controversial articles appeared in foreign publications that were distributed. During the year, the Ministry of Information continued to relax its blackout policy regarding politically sensitive news concerning the country reported in the international media, although press restrictions regarding domestic reporting remained stringent. Access by citizens to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was increasingly widespread.

In the past, the Government has restricted the entry of foreign journalists. However, during the year, it granted visas to a large number of international media professionals. The Government allowed foreign journalists and photographers, both male and female, to travel widely and to interview. However, in one instance, authorities confiscated videotapes and a laptop computer from one reporter. Authorities gave no reason for confiscating the material.

In March local newspapers publicized public outrage at the fire in the Mecca girls' school. The Government issued a report to the press and the media reported eyewitness accounts from the scene. The resultant public outcry resulted in the dissolution of the separate and religiously controlled Presidency for Girls' Education and the incorporation of female education into the Ministry of Education.

Government interference with the press continued. In March an editor was fired for criticizing judges. In May the Government forced the firing of the editor of *Al-Watan* for criticizing religious judges.

The Government owned and operated the television and radio companies. Government censors removed any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs. There were several million satellite-receiving dishes in the country, which provided citizens with foreign broadcasts.

The Government banned all books, magazines, and other materials that it considered sexual or pornographic in nature. The Ministry of Information compiled and updated a list of publications that were prohibited from being sold in the country.

The Government censored all forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those that are considered folkloric.

Access to the Internet was available legally only through local servers, which the Government monitored closely. There were as many as one million Internet subscribers. Some citizens attempted to circumvent this control by accessing the Internet through servers in other countries. The Government attempted to block all Web sites that it deemed sexual, pornographic, politically offensive, or "un-Islamic." However, such Web sites were accessible from within the country. In 2001 the Government closed a number of Internet cafes, especially those established for women, after complaints that the cafes were being used for "immoral purposes."

Academic freedom was restricted. For example, the authorities prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Informers monitored their classroom comments and reported to government and religious authorities.

b. Freedom of Peaceful Assembly and Association.—Shari'a does not address freedom of assembly, but the Government strictly limited freedom of assembly in practice. It prohibited public demonstrations as a means of political expression. Public meetings were segregated by sex. Unless sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risked arrest and deportation. The authorities monitored any large gatherings of persons, especially of women. The Mutawwa'in dispersed groups of women found in public places, such as restaurants. Government policy permits women to attend cultural and social events at diplomatic chanceries and residences only if they are accompanied by a father, brother, or husband. However, in practice police often implemented the policy arbitrarily. On some occasions during the year, authorities actively prohibited women from entering diplomatic chanceries or residences to attend cultural events and lectures.

Shari'a does not address freedom of association, and the Government strictly limited freedom of association in practice. The Government prohibited the establishment of political parties or any type of opposition group (*see* Section 3). By its power to license associations, the Government ensured that groups conform to public policy. The Government licensed a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society. The Government claimed that such groups operate without government interference because they were not detrimental to public security.

The Government maintained its position that public demonstrations were not allowed; however, a small number of public demonstrations occurred. On April 5, protesters demonstrated outside a foreign Consulate in Dhahran. On April 8, university students protested outside Jeddah's King Abd al-Aziz University in support of the Palestinians. The Government peacefully dispersed the crowds. Authorities prevented the holding of other public demonstrations and, according to several reports, used tear gas and rubber bullets to disperse demonstrators in the Eastern Province town of Qatif.

c. Freedom of Religion.—Freedom of religion did not exist. Islam is the official religion, and all citizens must be Muslims.

The Government prohibited non-Islamic public worship. The Government recognized the right of non-Muslims to worship in private; however, it did not always respect this right in practice. Conversion by a Muslim to another religion was considered apostasy. Public apostasy is a crime under Shari'a and punishable by death. There were no executions for apostasy during the year, and no reports of any such executions for the past several years.

Islamic practice generally was limited to that of the Wahhabi order, which adhered to the Hanbali school of the Sunni branch of Islam as interpreted by Muhammad Ibn Al-Wahab, a puritanical 18th century religious reformer. The spreading of Muslim teachings not in conformity with the officially accepted interpretation of Islam was prohibited. However, there were significant numbers of Sufis in the western province who engaged in technically illegal practices, such as celebrating the Mawlid, or Prophet's birthday, more or less openly without government interference. The practice of other schools of Sunni Islam was discouraged, and there was institutionalized discrimination against adherents of the Shi'a branch of Islam.

The Ministry of Islamic Affairs directly supervised, and was a major source of funds for the construction and maintenance of most mosques in the country. The Ministry paid the salaries of imams (prayer leaders) and others who worked in the mosques. On occasion the Government provided direction to mosque orators and imams regarding the content of their messages; in some instances, imams were banned from speaking. A governmental committee was responsible for defining the qualifications of imams. The Mutawwa'in received their funding from the Government and were government employees. The General President of the Mutawwa'in held the rank of cabinet minister. Mutawwa'in and imams were trained at the Imam Mohammed University outside of Riyadh and also at the Umm Al-Qura University in Mecca.

Foreign imams were barred from leading worship during the most heavily attended prayer times and prohibited from delivering sermons during Friday congregational prayers. The Government stated that its actions were part of its "Saudiization" plan to replace foreign workers with citizens. The spreading of Muslim teachings not in conformance with the officially accepted interpretation of Islam was prohibited. Writers and other individuals who publicly criticized this interpretation, including both those who advocated a stricter interpretation and those who favored a more moderate interpretation than the Government's, were imprisoned and faced other reprisals.

The Shi'a Muslim minority (approximately 900,000 of approximately 14 million citizens) lived mostly in the Eastern Province, although a significant number also

resided in Medina in the western province. Its members were the objects of officially sanctioned political, social, and economic discrimination (*see* Section 5).

The authorities permitted the celebration of the Shi'a holiday of Ashura in the eastern province city of Qatif, provided that the celebrants did not undertake large, public marches or engage in self-flagellation (a traditional Shi'a practice). The celebrations were monitored by the police. No other Ashura celebrations were permitted in the country, and many Shi'a traveled to Qatif or to Bahrain to participate in Ashura celebrations. The Government continued to enforce other restrictions on the Shi'a community, such as banning Shi'a books.

According to various reports, the Government arrested and detained a number of Shi'a sheikhs (religious leaders) in 2000 and during the year. Early in 2000, a Shi'a sheikh was taken into custody, and three other sheikhs were arrested for unknown reasons near the border with Jordan. Credible human rights organizations reported that at least seven additional Shi'a religious leaders reportedly remained in detention for violating restrictions on Shi'a religious practices. In March 2000, Mubahith officers reportedly arrested and detained Sheikh Mohammed Al Amri in Medina. In April 2000, Hashim Al-Sayyid Al-Sada, a Shi'a cleric suspected of political or religious dissent, was arrested in his home and reportedly remained in incommunicado detention at year's end (*see* Section 1.d.). In February Sheikh Aliban Ali al-Ghanim who was arrested in August 2000 was released.

The Government seldom permitted private construction of Shi'a mosques. The Shi'a have declined government offers to build state-supported mosques because the Government would prohibit the incorporation and display of Shi'a motifs in any such mosques.

In 2000 rioting by Makarama Ismaili Shi'as in Najran led to an attack by an armed group of Shi'a on a hotel that contained an office of the regional governor. Security forces responded, leading to extended gun battles between the two sides. In December the Government stated that 1 member of the security forces was killed in Najran and that King Fahd commuted the death sentence for 17 of the anti-government insurrectionists.

Early this year in Najran, 6 leaders of the Ismaili Shiite sect were arrested and continued to be detained along with a reported 93 others held since the protests in 2000. In 2001 all six persons were known to have met with a foreign journalist visiting Najran. By year's end, there were 102 minority Ismailis reportedly still in prison in Najran.

Magic is widely believed in and sometimes practiced, often in the form of fortune telling and swindles. However, under Shari'a the practice of magic is regarded as the worst form of polytheism, an offense for which no repentance is accepted, and which is punishable by death. There were an unknown number of detainees held in prison on the charge of "sorcery," or the practice of "black magic" or "witchcraft." In a few cases, self-proclaimed "miracle workers" were executed for sorcery involving physical harm or apostasy. The press reported that police arrested persons accused of sorcery. Based on vague accounts and lack of definition of sorcery included in the crime reports, the charges appeared to be based on hearsay and neighbors' reports of alleged misdeeds. There was no information available on prison time or punishment.

The Government prohibited public non-Muslim religious activities. Non-Muslim worshippers risked arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention. The Government has stated publicly, including before the U.N. Commission on Human Rights, that its policy is to protect the right of non-Muslims to worship privately. During the year, senior officials in the Government reaffirmed to a visiting religious delegation the right of non-Muslims to engage in private religious worship. However, it did not provide explicit guidelines such as the number of persons permitted to attend and acceptable locations for determining what constitutes private worship, which made distinctions between public and private worship unclear. Such lack of clarity, as well as instances of arbitrary enforcement by the authorities, forced most non-Muslims to worship in such a manner as to avoid discovery by the Government or others. Those detained for non-Muslim worship almost always were deported by authorities after sometimes lengthy periods of arrest during investigation.

At year's end, there were no reports that Christians detained for practicing their religion remained in prisons. During the year, there were a few raids, arrests, and detentions of Christians throughout the country. In early January, three Ethiopian Christians, detained in 2001 in Jeddah in connection with an investigation into a Christian worship group, alleged in a well-circulated e-mail that they were tortured, submitted to severe punishment and physical abuse. Later in the year the three were released and deported. In March 2 Filipino Christians, imprisoned in Dammam for conducting a Roman Catholic prayer group in their home, were sen-

tenced to 150 lashes and deportation following a 30-day jail sentence. In April Mutawwa'in arrested 26 Christians in successive raids on 2 private houses and handed them over to the Mubahith or investigative arm of the Ministry of Interior. After 2 days, 23 of the Christians were released, but 3 of them (1 Sudanese and 2 Sri Lankans) remained in prison until September 5, and then were released without charge. They subsequently were informed by their Saudi sponsors that they had to leave the country and not return to their work. In late May, police in Jeddah imprisoned 11 Ethiopian and Eritrean Christians accused of practicing their religion in their homes. By early September all of them had been released and deported.

The Government did not permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some came under other auspices. Such restrictions made it very difficult for most non-Muslims to maintain contact with clergymen and attend services. Catholics and Orthodox Christians, who require a priest on a regular basis to receive the sacraments required by their faith, particularly were affected.

Proselytizing by non-Muslims, including the distribution of non-Muslim religious materials such as Bibles, was illegal. There were no reports during the year of arrests for proselytizing. Muslims or non-Muslims wearing religious symbols of any kind in public risked confrontation with the Mutawwa'in. Under the auspices of the Ministry of Islamic Affairs, approximately 50 so-called "Call and Guidance" centers employing approximately 500 citizens to convert foreigners to Islam. Some non-Muslim foreigners converted to Islam during their stay in the country, including more than 200 persons in Jeddah each year. The press often carried articles about such conversions, including testimonials.

Under the Hanbali interpretation of Shari'a law, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to the correct doctrine. Legal sources reported that testimony by Shi'a is often ignored in courts of law or is deemed to have less weight than testimony by Sunnis. For example, in 2001 a judge in the eastern province asked two witnesses to an automobile accident if they were Shi'a. When they so confirmed, the judge announced to the court that their testimony was inadmissible. Sentencing under the legal system was not uniform. Laws and regulations state that defendants should be treated equally; however, under Shari'a as interpreted and applied in the country, crimes against Muslims may result in harsher penalties than those against non-Muslims.

Islamic religious education was mandatory in public schools at all levels. All children received religious instruction, which generally was limited to that of the Hanbali school of Islam.

In accordance with Shari'a, Saudi women were prohibited from marrying non-Muslims, but Saudi men may marry Christians and Jews, as well as Muslims.

The Government required noncitizens to carry Iqamas, or legal resident identity cards, which contained a religious designation for "Muslim" or "non-Muslim."

Shi'a citizens are discriminated against in government and employment, especially in national security jobs. Shi'a are subjected to employment restrictions in the oil and petrochemical industries and some Shi'a who are suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. Since beginning the investigation of the 1996 bombing of a U.S. military installation, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a, including Shi'a returning to the country following travel to Iran (see Sections 1.d. and 2.d.). Additionally, the courts will not accept a member of the Shi'a faith as a witness in a trial.

In 2000 rioting by members of the Makarama Ismaili Shi'a eventually led to an attack by an armed group of Shi'a led to extended gun battles with security forces between the two sides.

Children of Saudi fathers are considered Muslim, and reportedly are coerced to conform to their father's interpretation of Islam. However, no cases were reported during the year.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricted these rights. The Government restricted the travel of citizen women. All women in the country were prohibited from driving and were dependent upon males for any transportation. Likewise, they must obtain written permission from their closest male relative before the authorities allowed them to travel abroad (see Section 5). The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens or to the minor and single adult daughters of Saudi fathers. In 2001, the Government announced that women could obtain their own identity cards; however, it required that they obtain permission to receive a card from their nearest male relatives. More-

over, the identity cards have not been made mandatory for women (*see* Section 5). The restrictions on travel also applied to American citizen children of Saudi fathers. In cases where there were custody disputes between American women and their Saudi husbands, the husband was able to prevent the travel of the children to the United States even when there was a valid U.S. custody order. These restrictions on travel can continue even after the children reach adulthood, although the Government has worked with U.S. consular officials to overcome a father or husband's refusal to permit the travel of adult American citizen female relatives. During the year, senior officials indicated a willingness to allow adult American citizen women to travel despite objections by their husband or other male relative. However, by year's end, the policy had not been implemented.

Since the 1979 Iranian revolution, some Shi'a suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. In 2001 the Government lifted the requirement that citizens intending to travel to Iran seek permission in advance from authorities.

There was a high increase in tourism, especially religious tourism by Shi'ites from Saudi Arabia to Iran. The change corresponded with improving relations between Saudi Arabia and Iran. Advance permission for travel to Iraq, whether for business or religious pilgrimage, has been necessary for some time due to security concerns, but such travel remained possible. Travel to Iraq still required specific permission.

Foreigners typically were allowed to reside or work in the country only under the sponsorship of a citizen or business. By law the sponsors or employers of foreign residents must hold their passports until they are prepared to depart the country. The Government required foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

Stateless "bidoons" continued moving and living nomadically around the northern border. Bidoons are Arabs who have residency ties to the country—some going back generations, some for briefer periods—but who have no conclusive documentation of their nationality. Bidoons were given Iqamas by the Government but not passports and had difficulty in obtaining visas for foreign travel.

Sponsors generally retained possession of foreign workers' passports, although some classes of foreign workers were allowed to keep their passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. Some sponsors used this as a pressure tactic to resolve disputes in their favor or to have foreign employees deported. There were numerous reports of the Government prohibiting foreign employees involved in labor disputes from departing the country until the dispute was resolved (*see* Sections 5 and 6.c.).

The Government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to them until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscated the passports of suspected oppositionists and their families.

Citizens may emigrate. The Government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad increasingly were permitted to leave the country using non-Saudi passports. Apart from marriage to a citizen, there were no provisions for foreign residents to acquire citizenship. Children born to a citizen father acquired Saudi citizenship. However, a citizen mother may not convey citizenship to her children. Foreigners were granted citizenship in rare cases, generally through the advocacy of an influential patron.

The law does not provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Basic Law provides that "the state will grant political asylum if the public interest militates in favor of it." The law does not specify clear rules for adjudicating asylum cases, and does not provide for first asylum. In general the authorities regarded refugees and displaced persons similarly as they did foreign workers. They must have sponsors for employment or risk expulsion. Of the 33,000 Iraqi civilians and former prisoners of war allowed refuge in the country at the end of the Gulf War, none have been granted permanent asylum. Nevertheless, the Government cooperated with the United Nations High Commissioner for Refugees (UNHCR). It has underwritten the entire cost of providing safe haven to the Iraqi refugees and continued to provide logistical and administrative support to the UNHCR and other resettlement agencies. At year's end, approximately 27,000 of the original 33,000 Iraqi refugees had been resettled in other countries or voluntarily repatriated to Iraq. Most of the approximately 5,200 remaining refugees were restricted to the Rafha Refugee Camp. At year's end, following the visit to the Rafha Refugee Camp by the

UNCHR, efforts were still being made to find asylum for approximately 3,000 refugees who wished to leave the camp but not return to Iraq. According to the UNHCR, the Government has agreed that the remaining 2,200 be given continuing refuge and possible employment in the area until they could be repatriated safely to Iraq. In October the United Nations High Commissioner for Refugees visited the Rafha camp and later reported that during his visit, the refugees staged a peaceful protest and complained about the lack of freedom, movement, and prospects for the future. The UNHCR has monitored more than 3,000 persons voluntarily returning to Iraq from Rafha since December 1991 and found no evidence of forcible repatriation (see Section 1.c.).

The Government has allowed some foreigners to remain temporarily in the country in cases in which their safety would be jeopardized if they were deported to their home countries.

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

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

Citizens did not have the right to change their government. There were no formal democratic institutions, and only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. The King ruled on civil and religious matters within certain limitations established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The King is also the Prime Minister, and the Crown Prince served as Deputy Prime Minister. The King appointed all other ministers, who in turn appointed subordinate officials with cabinet concurrence. In 1992 the King appointed 60 members to a Consultative Council, or Majlis Ash-Shura. This strictly advisory body began to hold sessions in 1993. In 1997 and again in May the King expanded the membership of the Council; it has 120 members plus its chairman. There were two Shi'as on the Council. The Council engaged in debates that, while closed to the general public, provided advice and views occasionally contrary to the Government's proposed policy or recommended course of action. The Government usually incorporated the Majlis' advice into its final policy announcements or tried to convince it why the Government's policy was correct. In November the Majlis Ash-Shura publicly announced that it wanted to play more than its limited advisory role. The Majlis sought to have more power to cope with modern developments and to make it more effective. However, also in November, local press reported a meeting in which the governors and the Minister of Interior of the country's regions signaled a reaffirmation of royal power. All but 1 of the country's 13 governors are either sons or grandsons of King Abdulaziz, the founder of the country.

The Council of Senior Islamic Scholars (ulema) is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government viewed the Council as an important source of religious legitimacy and takes the Council's opinions into account when promulgating legislation.

Communication between citizens and the Government usually was expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. In theory any male citizen or foreign national may express an opinion or a grievance at a majlis, an open-door meeting held by the King, a prince, or an important national or local official. However, as governmental functions have become more complex, time-consuming, and centralized, public access to senior officials became more restricted. Since the assassination of King Faisal in 1975, kings have reduced the frequency of their personal contacts with the public. However, in 2001 and during the year, Crown Prince Abdullah held a variety of meetings with citizens throughout the country. Ministers and district governors can be approached for discussion at a majlis.

Typical topics raised in a majlis include complaints about bureaucratic delay or insensitivity, requests for personal redress or assistance, and criticism of particular acts of government affecting family welfare. Broader "political" concerns—social, economic, or foreign policy—rarely were raised. Complaints about royal abuses of power were not entertained. In general journalists, academics, and businessmen believed that institutionalized avenues of domestic criticism of the regime were closed. Feedback was filtered through private personal channels and has affected various policy issues, including the Middle East peace process, youth unemployment, and the construction of new infrastructure.

The Committee for the Defense of Legitimate Rights (CDLR), established in 1993, and its rival faction, the Islamic Reform Movement, established in 1996, continued

to criticize the Government, using computers and fax transmissions to send newsletters from London to the country. Both were repressed by the Government and have no officially recognized existence.

Women played no formal role in government and politics and were actively discouraged from doing so. Participation by women in a majlis was restricted, although some women sought redress through female members of the royal family. On rare occasions, women have been called to advise members of the Majlis Ash-Shura in private, closed-door sessions.

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

There were no publicly active human rights groups, and the Government has made it clear that none critical of government policies would be permitted.

In October a U.N. Human Rights envoy visited the country at the invitation of the Government. The local press covered the visit of the U.N. Special Rapporteur as he reviewed the judicial system. The visit by the U.N. Human Rights envoy followed the Government-implementation of the new Saudi Criminal Procedural Bill of Rights. In the past, the Government also has announced publicly through the press, that it would welcome visits from other human rights groups, including Amnesty International and Human Rights Watch.

During the year, a citizen formerly imprisoned for his political views moved freely in the country trying to establish an NGO called Human Rights First-the Society For Protecting and Defending Human Rights in the Kingdom of Saudi Arabia. Representing a group of 12 citizens, the organizer petitioned senior government officials to allow the establishment of this first NGO.

The Government disagreed with internationally accepted definitions of human rights and viewed its interpretation of Islamic law as the only necessary guide to protect human rights. The Government generally ignored citations of government human rights abuses by international monitors or foreign governments and in the past has criticized such citations as attacks on Islam.

The Government maintained that the new Criminal Procedural law regarding rights of prisoners and punitive measures will address its obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. In February the Government announced in the national press that it would establish two human rights commissions, one governmental and the other nongovernmental. In April, at the meeting of the Human Rights Commission in Geneva, the Government announced that it was in the final stages of establishing these commissions. The press also publicized that the Government had signed four out of six international human rights covenants and was planning to sign the remaining two soon. Since May there were no indications of the law's implementation for prisoners, especially victims of human rights abuses, held in government prisons.

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

There was legal and systemic discrimination based on sex. The law forbids discrimination based on race, but not nationality, although such discrimination occurs. The Government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority suffered social, legal, economic, and political discrimination (see section 2.c.). While rare, there were occasional reports that religious police have arrested and punished men for engaging in homosexual activity. Punishments included lashes, prison sentences, and deportation of expatriates.

Women.—Shari'a prohibits abuse and violence against all innocent persons, including women. The Government did not keep statistics on spousal abuse or other forms of violence against women. However, based on the information available regarding physical spousal abuse and violence against women, such violence and abuse appeared to be common problems. Hospital workers reported that many women were admitted for treatment of injuries that apparently resulted from spousal violence; hospitals now are required to report any suspicious injuries to authorities. A citizen may prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart the country (see Section 2.d.).

Foreign embassies continued to receive many reports that employers abused foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintained safehouses to which their citizens may flee to escape work situations that included forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands of female citizens. During the year, the media reported more frequently on cases involving domestic abuse of women, servants, and children. However, in general the Government considered such cases to be family matters and did not inter-

vene unless charges of abuse were brought to its attention. It was almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women and servants' own fears of reprisals. During the year, there were increasing reports of employers being punished for abuse of domestic servants. There were no private support groups or religious associations to assist such women.

By religious law and social custom, women have the right to own property and are entitled to financial support from their husbands or male relatives. However, women have few political or social rights and are not treated as equal members of society. There were no active women's rights groups. Women legally may not drive motor vehicles and are restricted in their use of public facilities when men are present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risked arrest by the Mutawwa'in for riding in a vehicle driven by a male who was not an employee or a close male relative. Women were not admitted to a hospital for medical treatment without the consent of a male relative. By law and custom, women may not undertake domestic or foreign travel alone (*see* Section 2.d.). During the year, the Government began again to issue national identity cards to females, despite a national campaign by some religious conservatives against it. In November the press reported the Interior Minister as suggesting that it was not absolutely necessary that a male guardian accompany a woman applying for an ID as long as she could produce documentary evidence of her identity.

In public a woman was expected to wear an abaya (a black garment that covers the entire body) and also to cover her head and hair. The Mutawwa'in generally expected women from Arab countries, and other countries in Asia and Africa to comply more fully with local customs of dress than they do Western women; nonetheless, in recent years they have instructed Western women to wear the abaya and cover their hair and face. During the year, Mutawwa'in continued to admonish and harass women to wear their abayas and cover their hair.

Unlike in previous years, there were no reports during the year of government officials and ministries barring accredited female diplomats in the country from official meetings or placing other restrictions on them.

There is no law specifically prohibiting female genital mutilation (FGM), and it was practiced among some foreign workers from East Africa and the Nile Valley. It was not always clear whether the procedure occurred in the country or the workers' home countries.

Prostitution is illegal and did not appear to be a widespread problem.

Women also are subject to discrimination under Shari'a as interpreted in the country, which stipulates that daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women often are constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women (*see* Section 1.e.). Although Islamic law permits polygyny, with up to four wives, it is becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice such equality is left to the discretion of the husband. Some women participated in Al-Mesyar (or "short daytime visit") marriages, or what are described as "weekend marriages," in which the women relinquished their legal rights to financial support and nighttime cohabitation. Additionally, the husband was not required to inform his other wives of the marriage, and any children resulting from such a marriage have no inheritance rights. The Government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (*see* Section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce still were entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: 7 years for boys; 9 years for girls. Children over these ages are awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students, but were excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; women may do so only if accompanied by a spouse or an immediate male relative.

Women made up approximately 14.6 percent of the formal citizen work force. Unemployment among women was approximately 15.8 percent. Saudi women report-

edly owned approximately 20 percent of the businesses, although they must deputize a male relative to represent them in financial transactions. Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and return to work in professions such as architecture and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male kin present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present are segregated by gender. Frequently, contact with male supervisors or clients was allowed only by telephone or fax machine. According to the Ministry of Commerce, women were not eligible to be issued business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials. However, in hospital settings and in the energy industry, women and men worked together, and, in some instances, women supervised male employees. Some women and men continued to seek opportunities for women and to break down gender segregation. In May according to the press, the Justice Minister announced that the Government was considering opening the legal profession to women, but not allowing females to appear in court before judges.

During the year, the Government began to deal with discrimination based on gender when it responded to public outrage over the girls' school fire in Mecca by dissolving the separate Presidency for Girls' Education and incorporating women's education into the Ministry of Education, eliminating women's education from control of religious authorities. Increasingly, the press covered issues concerning women's rights and gender discrimination.

Children.—The Government provided all children with free education and medical care. Children were not subject to the strict social segregation faced by women although they were segregated by sex in schools, beginning at the age of 7; however, schools were integrated through the fourth grade in some areas. By age 9, most children were segregated by sex in school. In more general social situations, boys were segregated at the age of 12 and girls at the onset of puberty.

It was difficult to gauge the prevalence of child abuse, since the Government keeps no national statistics on such cases. Although in general the culture greatly prizes children, new studies by Saudi female doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported. In February doctors, dentists, academics, and socially concerned citizens held a conference on the topic of Child Abuse, including physical abuse of women, and launched a nationwide campaign to raise public awareness. The press has also played an important role in beginning to raise national consciousness about the widespread problem. In February the Government announced that it is planning to establish a special unit within the Ministry of Labor and Social Affairs to address child abuse. This new governmental department will handle abuse at home and "protect women and children in particular from being subjected to mental and physical abuse by other family members."

Trafficking in children for forced begging persisted (*see* Sections 6.c. and 6.f.).

Persons with Disabilities.—The law provides hiring quotas for persons with disabilities. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access, as do some newer government buildings. The provision of government social services increasingly has brought persons with disabilities into the public mainstream. The Government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

During the year the Government took a variety of steps promoting more rights and elimination of discrimination against persons with disabilities. In January the press publicized a study conducted by the National Project on Disability and Rehabilitation Research that found a total of 493,605 disabled persons in the country. Of that number, representing 4 percent of the population, 34 percent have some form of body disabilities and 30 percent have sight disabilities. In May the Government announced the formation of an endowment committee for handicapped children. In July the Government established a new supreme council to deal with the affairs of the disabled and the Crown Prince was named as chairman. In September the press announced a plan to open a chapter of Best Buddies International, an NGO to help persons with mental disabilities, which would be the first such operation in the country.

Foreign criminal rings reportedly bought and imported children with disabilities for the purpose of forced begging (*see* Sections 6.c. and 6.f.).

Police generally transported mentally ill persons found wandering alone in public to their families or a hospital. Police claimed that according to Islam, family members should be taking care of such individuals.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and have the most difficulty in obtaining justice for their grievances. For example, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive varied compensation based on their nationalities.

In November Crown Prince Abdullah issued a call for a national strategy to eliminate poverty. In a widely publicized visit to the homes of poor citizens living in dilapidated districts, the Crown Prince was quoted as saying, “we have to admit this problem and implement the strategy immediately.” One week later, the Ministry of Labor and Social Affairs established an Anti-Poverty Fund and announced the formation of a strategy to tackle the problem.

Section 6. Worker Rights

a. The Right of Association.—The Government prohibited the establishment of labor unions; however, in April the Minister of Labor endorsed the plans announced in 2001 for the establishment of labor committees for citizens in local companies, including factories, having more than 100 employees. The aim will be the establishment of communication between employees and employers and the improvement of work standards in the workplace. In May the Ministry of Labor announced that it was continuing with its plans to establish labor committees in private establishments. The press reported that the Riyadh Chamber of Commerce and Industry held the first introductory meeting of labor committees. Ministry legal experts issued public statements denying foreign pressure to establish such labor committees. The labor committees are to consist of three to nine members, who would serve 3-year terms. The Government has no role in selecting the committee members; both management and workers will be represented. The committee may make recommendations to company management to improve work conditions, increase productivity, improve health and safety, and recommend training programs. The Ministry of Labor and Social Affairs may send a representative to attend committee meetings. A committee must provide a written report of its meetings to company management, which also will be transmitted to the Ministry. The Ministry may dissolve a labor committee if it violates regulations or threatens public security. Foreign workers may not form or become members of labor committees. No committees existed by year’s end.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was forbidden. Foreign workers comprised approximately two-thirds of the work force. There was no minimum wage; wages were set by employers and varied according to the type of work performed and the nationality of the worker (*see* Section 5).

Strikes were prohibited; however, in March more than 450 hospital cleaners at the Military Hospital in Riyadh staged a strike to protest a 2-month delay in payment of their salaries by the contracting company. They returned to work when the company officials agreed to pay 1 month’s salary immediately and the other in the near future. In 2000 in Jeddah, foreign hospital, food processing, and construction workers who had not been paid staged strikes. In 1995 the U.S. Overseas Private Investment Corporation suspended coverage because of the Government’s lack of compliance with internationally recognized worker rights standards.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibited forced or bonded labor pursuant to a royal decree that abolished slavery. Ratification of the International Labor Organization (ILO) Conventions 29 and 105, which prohibit forced labor, gives them the force of law. However, employers had significant control over the movements of foreign employees, which gave rise to situations that sometimes involved forced labor, especially in remote areas where workers were unable to leave their place of work.

In September the Ministry of Interior reported that the Government system of sponsorship of expatriate workers has come under national scrutiny. However, the Minister, however, said the Government is not yet ready to abrogate the current system of sponsorship until it has been fully studied and a better system for controlling the expatriate labor force has been presented and accepted.

Some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract or to drop claims against their employers for un-

paid salary (*see* Section 2.d.). Additionally, some sponsors refused to provide foreign workers with a “letter of no objection” that would allow them to be employed by another sponsor. The authorities in some cases forced maids fleeing abusive employment circumstances to return to their employers.

There were many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Foreign workers with such grievances, except foreign domestic servants, had the right to complain before the labor courts, but few did so because of fear of deportation. The labor system was conducive to the exploitation of foreign workers because enforcement of work contracts was difficult and generally favors employers. Labor courts, while generally fair, may take many months to reach a final appellate ruling, during which time the employer may prevent the foreign laborer from leaving the country. An employer also may delay a case until a worker’s funds are exhausted, and the worker is forced to return to his home country.

The law does not specifically prohibit forced or bonded labor by children. Nonetheless, with the rare exception of criminal begging rings, and the possible exceptions of family businesses, forced or bonded child labor did not occur (*see* Section 6.d.). In 1997 the Government attempted to eradicate forced child begging. Nevertheless, criminal rings consisting almost exclusively of foreigners have continued to buy and import South Asian and African children for the purpose of forced begging (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 13 years, which may be waived by the Ministry of Labor with the consent of the juvenile’s guardian. There is no minimum age for workers employed in family-oriented businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general children played a minimal role in the work force.

In April the press publicized stories about the Mecca Municipality’s efforts to end a child-labor racket in Mecca. The majority of child beggars are citizens, many of them girls with disabilities, according to an ILO study reported in the press in September. The new figures contrasted sharply with previous claims by the Ministry of Labor and Social Affairs that only 25 percent of the children begging were citizens. The Ministry has established special offices in both Mecca and Medina to combat the growing problem of child beggars.

The law does not prohibit specifically forced or bonded labor by children, but it was not a problem, with the rare exception of forced child begging rings, and possibly family businesses (*see* Section 6.c.). Reportedly, young boys of Saudi, Sudanese, South Asian, and Yemeni origin were used as jockeys in camel races.

e. Acceptable Conditions of Work.—There is no legal minimum wage. Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage generally provides a decent standard of living for a worker and family.

The ILO has stated that the Government did not formulate legislation implementing the ILO Convention 100 on Equal Remuneration and that regulations that segregated work places by sex or limit vocational programs for women violated ILO Convention 111 on Discrimination in Employment and Occupation.

Workers risked losing employment if they remove themselves from hazardous work conditions.

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsman, domestic servants, and workers in family-operated businesses were not covered by these regulations.

Some foreign nationals who have been recruited abroad have claimed that after their arrival in the country, they were presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers reportedly have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that at the end of their contract service, their employers refused to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (*see* Section 2.d.). The labor laws, includ-

ing those designed to limit working hours and regulate working conditions, do not apply to foreign domestic servants, and such domestic servants may not seek the protection of the labor courts. There were credible reports that female domestic servants sometimes were forced to work 16 to 20 hours per day 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies (*see* Section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings and other physical abuse, and rape (*see* Section 5). The Government's figures for 1999 stated that 7,000 maids fled their place of employment, and the actual number presumably was higher. In 2001 the media reported additional stories of such incidents. The authorities in some cases forced such maids to return to their places of employment.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely worked in low-income positions, which most citizens considered unsuitable. The Government carried out the campaign by widely publicizing its enforcement of existing laws against illegal immigrants and citizens employing or sponsoring illegal immigrants. Since 1999 as many as 1.1 million persons departed or were deported for violating residence and labor laws, under the terms of a 1997 amnesty, which allows illegal immigrants and their employers or sponsors to avoid the possibility of prosecution by voluntarily seeking expeditious repatriation.

The effect of the expeditious repatriation of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits slavery and the smuggling of persons into the country. In August the press reported that the Council of Ministers approved two international protocols on trafficking in persons, one that combats the smuggling of immigrants by land, sea, or air and the other that seeks to prevent trade in persons, especially women and children.

Criminal rings consisting almost exclusively of foreigners have bought and imported South Asian children, including children with disabilities, and women for the purpose of organized begging, particularly in the vicinity of the Grand Mosque in Mecca during Islamic holidays.

There were unconfirmed reports that women were trafficked into the country to work as prostitutes.

Among the millions of foreign workers in the country, some persons, particularly domestic workers, are defrauded by employment agencies or exploited by employers; some workers overstay their contracts and are exploited as they have few legal protections. Many foreign domestic servants fled work situations that included forced confinement, beating and other physical abuse, withholding of food, and rape. The authorities often forced domestic servants to return to their places of employment (*see* Sections 5 and 6.c.).

During the year, the Government acknowledged trafficking problems in terms of abuse of domestic servants, especially female expatriate workers. The press carried a number of stories on problems and issues related to abuse of maids and other domestic workers. The media campaign appeared to be an effort to begin raising national awareness about the problem. Government officials indicated that they wished to begin taking actions to counter the problems of trafficking, which involved abuse of expatriate domestic workers. The Ministry of Labor has formed an internal committee that is preparing an educational program to advise foreign domestic workers of their rights for recourse to authorities if they experience abuse or non-payment of wages.

In October the Council of Ministers issued a mandate delegating the Ministry of Labor and Social Affairs as they overseer for all work visas, including seasonal labor. In November the Government granted a transition period of 6 months to the Labor Ministry to assume full responsibility for the granting of work visas to expatriates.

Also in November, the Government ordered that all private recruitment offices must adopt a standard commitment contract in their dealings with foreign recruit-

ers sending labor to the country. The press reported that the new labor contract would become mandatory December 19.

SYRIA

Syria is a republic under a military regime with virtually absolute authority in the hands of the President. Despite the existence of some institutions of democratic government, the President, with counsel from his ministers, high-ranking members of the ruling Ba'ath Party, and a relatively small circle of security advisers, makes key decisions regarding foreign policy, national security, internal politics, and the economy. All three branches of government are influenced to varying degrees by leaders of the Ba'ath Party, whose primacy in state institutions and the Parliament is mandated by the Constitution. The Parliament may not initiate laws but only assesses and at times modifies those proposed by the executive branch. The Constitution provides for an independent judiciary, but security courts are subject to political influence. The regular courts generally display independence, although political connections and bribery may influence verdicts.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operated independently of each other and outside the legal system. The security forces were under effective government control. Their members committed serious human rights abuses.

The population of the country was approximately 17 million. The economy was based on commerce, agriculture, oil production, and government services. Economic growth was hampered by the still dominant state role in the economy, a complex bureaucracy, overarching security concerns, endemic corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the right to change their government. The Government used its vast powers to prevent any organized political opposition, and there have been very few antigovernment manifestations. Continuing serious abuses included the use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffered from corruption and, at times, political influence; and infringement on privacy rights. The Government significantly restricted freedom of speech and of the press. Freedom of assembly does not exist under the law and the Government restricted freedom of association. The Government did not officially allow independent domestic human rights groups to exist; however, it permitted periodic meetings of unlicensed civil society forums throughout the year. The Government placed some limits on freedom of religion and freedom of movement. Proselytizing by groups it considered Zionist was not tolerated, and proselytizing in general was not encouraged. Violence and societal discrimination against women were problems. The Government discriminated against the stateless Kurdish minority, suppressed worker rights, and tolerated child labor in some instances.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings or other killings committed by government forces during the year.

In November 2000, a number of armed clashes occurred between Bedouin shepherds and Druze residents of Suwayda Province that required government military intervention to stop. Local press reported that between 15 and 20 Druze, Bedouin, and security forces personnel were killed (*see* Section 5). Some members of the security forces committed a number of serious human rights abuses. In its Annual Report, the Syrian Human Rights Commission stated that in 2001 and during the year three individuals died in detention (*see* Section 1.c.). The Government has not investigated previous deaths in detention.

b. Disappearance.—There were no new confirmed reports of politically motivated disappearances during the year. Because security forces often did not provide de-

tainees' families with information regarding their welfare or location, many persons who disappeared in past years are believed to be in long-term detention or to have died in detention. The number of new disappearances has declined in recent years, although this may be due to the Government's success in deterring opposition political activity rather than a loosening of the criteria for detention (*see* Section 1.d.).

Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom little is known other than the approximate date of their detention. The Government claimed that it has released all Palestinians and Jordanian and Lebanese citizens who reportedly were abducted from Lebanon during and after Lebanon's civil war. However, the Government's claim was disputed by Lebanese nongovernmental organizations (NGOs), Amnesty International (AI), and other international NGOs, as well as some family members of those who allegedly remain in the country's prisons (*see* Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners, detainees, and the London-based Syrian Human Rights Organization reported that torture methods included administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In 2001 AI published a report claiming that authorities at Tadmur Prison regularly tortured prisoners, or forced prisoners to torture each other. Although it occurs in prisons, torture was most likely to occur while detainees were being held at one of the many detention centers run by the various security services throughout the country, especially while the authorities were attempting to extract a confession or information.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who tortured them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts did not order medical examinations for defendants who claimed that they were tortured (*see* Section 1.e.). There were no substantiated allegations of torture during the year.

In 2000 the Government apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations, and sent him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced. In February the Jordanian authorities sentenced Hijazi to death. He has appealed the decision but remained in custody at year's end pending a decision.

Prison conditions generally were poor and did not meet international standards for health and sanitation. However, there were separate facilities for men, women, and children. Pre-trial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. Facilities for political or national security prisoners generally were worse than those for common criminals.

At some prisons, authorities allowed visitation, but in other prisons, security officials demanded bribes from family members who wished to visit incarcerated relatives. Overcrowding and the denial of food occurred at several prisons. According to Human Rights Watch, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Some former detainees have reported that the Government prohibited reading materials, even the Koran, for political prisoners.

In 2001 the London-based Syrian Human Rights Commission reported that three detainees died in prison and that their remains bore evidence of torture and extreme medical neglect.

The Government did not permit independent monitoring of prison or detention center conditions, although diplomatic or consular officials were granted access in high profile cases.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were significant problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases, and in January 2001, the regional press reported that the Information Minister claimed that the authorities had frozen “martial law.” Nonetheless, in cases involving political or national security offenses, arrests often were carried out in secret. Suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination regarding the pretrial detention. Some of these practices were prohibited by the state of emergency, but the authorities were not held to these strictures. Additionally, those suspected of political or national security offenses may be arrested and prosecuted under ambiguous and broad articles of the Penal Code, and subsequently tried in either the criminal or security courts, as occurred with the 10 civil society activists arrested in August and September 2001. During the year, two were tried and sentenced in criminal court and eight were tried and sentenced in secrecy in the Supreme State Security Court under the Emergency Law’s authority. All were initially held incommunicado and in solitary confinement, though the criminal court trials and initial sessions of one of the other trials were open to the press and diplomats.

The Government detained relatives of detainees or of fugitives in order to obtain confessions or the fugitive’s surrender (*see* Section 1.f.). The Government also threatened families or friends of detainees, at times with the threat of expulsion, to ensure their silence, to force them to disavow publicly their relatives, or to force detainees into compliance.

Defendants in civil and criminal trials had the right to bail hearings and the possible release from detention on their own recognizance. Bail was not allowed for those accused of state security offenses. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning.

Detainees had no legal redress for false arrest. Security forces often did not provide detainees’ families with information regarding their welfare or location while in detention. Consequently many persons who have disappeared in past years are believed to be in long-term detention without charge or possibly to have died in detention (*see* Section 1.b.). Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (*see* Section 1.e.). In the past, there were reliable reports that the Government did not notify foreign governments when their citizens were arrested or detained.

Pretrial detention may be lengthy, even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects were held in pretrial detention for months and may have their trials extended for additional months. Lengthy pretrial detention and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (*see* Section 1.e.).

In May 2001, the Government released prominent political prisoner Nizar Nayyuf, who had been imprisoned since 1992 for founding an unlawful organization, disseminating false information, and undermining the Government; he immediately was placed under house arrest. In June 2001, the Government allowed Nayyuf to leave the country for medical treatment. In September 2001, Nayyuf was summoned to appear before an investigating court to respond to a complaint against him filed by Ba’th party lawyers for “inciting confessionism, attempting to illegally change the Constitution, and publishing false reports abroad.” Nayyuf had not returned by year’s end. The NGO Reporters Without Borders (RSF) claimed that the Government harassed and intimidated members of Nayyuf’s family following the issuance of the summons. The Government reportedly fired two members of his immediate family from their jobs. The municipality threatened to expel members of Nayyuf’s family if they did not disavow publicly his statements (*see* Section 4).

In August 2001, the Government arrested independent Member of Parliament Ma’mun Humsi during his hunger strike protesting official corruption, the excessive powers of the security forces, and the continuation of the Emergency Law. In a departure from previous practice, the Interior Ministry issued a statement justifying Humsi’s arrest under Penal Code articles dealing with crimes against state security (*see* Section 3). In September 2001, the Government detained independent Member of Parliament Riad Seif shortly after Seif reactivated his unlicensed political discussion forum. The principal charge against both individuals was attempting to illegally change the Constitution (*see* Section 3). In March and April, Humsi and Seif were convicted in criminal court of attempting to change the Constitution illegally and each sentenced to 5 years in prison (*see* Section 1.e.).

In September 2001, the Government detained prominent political activist and longtime detainee Riad al-Turk for violations of Penal Code articles dealing with crimes against state security, after al-Turk made derogatory public comments about late President Hafiz al-Asad. In June Al-Turk was convicted in closed Supreme State Security Court of attempting to change the Constitution illegally and sentenced to 30 months in prison (*see* Section 1.e.). On November 16, President Asad ordered Al-Turk released on humanitarian grounds.

In September 2001, the Government detained seven additional prominent human rights activists who had issued statements in support of Humsi, Seif, and al-Turk. The Government reportedly charged the seven activists under Penal Code articles dealing with crimes against state security (*see* Section 2.a.). Although all of the 10 civil society activists were arrested for Penal Code violations, only Humsi and Seif were tried in criminal court while all the others were tried in the Supreme State Security Court under the authority of the Emergency Law (*see* Section 1.e.).

At year's end, the leaders of the Turkomen who reportedly were detained without charge in 1996, remained in detention.

In 1999 and 2000, there were reports of arrests of hundreds of Syrian and Palestinian Islamists. Most of those arrested reportedly were released after signing an agreement not to participate in political activities; however, some may remain in detention. At year's end, there were no new reports on those detained. There were no credible reports that the Government arrested Islamists on political charges during the year.

There were no reports of the arrests of minors on political charges during the year.

In January 2001, the Jordanian press reported the release from Syrian jails of six Jordanian prisoners of Palestinian origin, who had been imprisoned for membership in Palestinian organizations. Between May and July 2000, there were unconfirmed reports that a large number of Jordanian prisoners were released. However, according to AI, only three of the Jordanians released in 2000 had been held for political reasons.

In March 2001, Syrian intelligence officials in Lebanon arrested three Syrian Druze men who had converted to Christianity, possibly on suspicion of membership in Jehovah's Witnesses. The men were released after 2 months.

In July and August 2001, there were unconfirmed regional press reports that approximately 500 political detainees were moved from Tadmur Prison to Saydnaya Prison in preparation for the eventual closing of Tadmur. In 2000 the Government also closed the Mazzah prison, which reportedly held numerous prisoners and detainees. In August, AI reported the release of Communist Action Party member Haytham Na'al after 27 years in prison.

In 2000 the Government declared an amnesty for 600 political prisoners and detainees and a general pardon for some nonpolitical prisoners. The highly publicized amnesty was the first time the Government acknowledged detention of persons for political reasons. There were no credible reports of transfers of political prisoners during the year.

Most of those arrested during crackdowns in the 1980s, in response to violent attacks by the Muslim Brotherhood, have been released; however, some may remain in prolonged detention without charge. Some union and professional association officials detained in 1980 may remain in detention (*see* Sections 2.b. and 6.a.).

The number of remaining political detainees is unknown. In June 2000, prior to the November 2000 prison amnesty, Amnesty International estimated that there were approximately 1,500 political detainees; many of the detainees reportedly were suspected supporters of the Muslim Brotherhood and the pro-Iraqi wing of the Ba'ath party. There also were Jordanian, Lebanese, and Palestinian political detainees. Estimates of detainees are difficult to confirm because the Government does not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or whether detainees subsequently are sentenced to prison (*see* Section 1.e.).

Former prisoners were subject to a so-called "rights ban," which begins from the day of sentencing and lasts until 7 years after the expiration of the sentence, in the case of felony convictions. Persons subject to this ban are not allowed to vote, run for office, or work in the public sector; they often also are denied passports.

The Constitution prohibits exile; however, the Government has exiled citizens in the past. The Government refused to reissue the passports of citizens who fled the country in the 1980s; such citizens consequently are unable to return to the country.

There were no known instances of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but the two exceptional courts dealing with cases of alleged national security violations were not independent of executive branch control. The regular court sys-

tem generally displayed considerable independence in civil cases, although political connections and bribery at times influenced verdicts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (*see* Section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court is empowered to rule on the constitutionality of laws and decrees; it does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts were entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants were presumed innocent; they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation. Such appeals are difficult to win because the courts do not provide verbatim transcripts of cases—only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilians as well as military personnel. A military prosecutor decides the venue for a civilian defendant. There have been reports that the Government operates military field courts in locations outside established courtrooms. Such courts reportedly observed fewer of the formal procedures of regular military courts.

In September a military court charged lawyer and Chairman of the Syrian Human Rights Committee, Haytham al-Maleh, and three of his associates in absentia for spreading false news outside of the country, belonging to a political association of an international nature without government approval, and publishing material that causes sectarian friction.

The two security courts are the Supreme State Security Court (SSSC), which tries political and national security cases, and the Economic Security Court (ESC), which tried cases involving financial crimes. Both courts operated under the state of emergency, not ordinary law, and did not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC often were vague. Many defendants appeared to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," "shaking the confidence of the masses in the aims of the revolution," or attempting to "change the economic or social structure of the State." Nonetheless, the Government contends that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually were closed to the public. Lawyers were not ensured access to their clients before the trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than oral presentations. The State's case often was based on confessions, and defendants have not been allowed to argue in court that their confessions were coerced. There was no known instance in which the court ordered a medical examination for a defendant who claimed that he was tortured. The SSSC reportedly has acquitted some defendants, but the Government did not provide any statistics regarding the conviction rate. Defendants do not have the right to appeal verdicts, but sentences are reviewed by the Minister of Interior, who may ratify, nullify, or alter them. The President also may intervene in the review process.

Accurate information regarding the number of cases heard by the SSSC was difficult to obtain, although hundreds of cases were believed to pass through the court annually. Many reportedly involved charges relating to membership in various banned political groups, including the Party of Communist Action and the pro-Iraqi wing of the Ba'th Party. Sentences as long as 15 years have been imposed in the past. Since 1997 there have been no visits by human rights NGOs to attend sessions of the SSSC (*see* Section 4).

The 10 civil society activists arrested in August and September 2001 were tried in criminal and state security courts. In February independent Parliamentarians Mamun Humsi and Riyad Seif were tried in criminal court proceedings that were open, for the first time, to foreign observers and the press. AI noted that their parliamentary immunity was lifted without due attention to the procedures established by law. Humsi and Seif were denied confidential access to their lawyers throughout their detention and observers noted a number of procedural irregularities during the trials. In March and April, respectively, the Government sentenced Humsi and Seif to 5 years' imprisonment each for attempting to change the constitution illegally and inciting racial and sectarian strife.

During the year, the eight other civil society activists arrested in August and September 2001 were tried in secrecy by the Supreme State Security Court under authority of the Emergency Law. Only the first session of former political prisoner Riad al-Turk's trial was open to the media and international observers. Al-Turk was sentenced to 30 months for attempting to change the Constitution illegally but was released by presidential decree in November (*see* Section 1.d.). Lawyer and member of Seif and Humsi's defense team, Habib Issa, and physician and cofounder of the Syrian Human Rights Society, Walid al-Buni, were each sentenced to 5 years in prison for attempting to change the Constitution illegally. Economist and regime critic Arif Dalila was sentenced to up to 10 years for the same offense. Civil society activist Habib Saleh received a 3-year sentence for opposing the objectives of the revolution and inciting ethnic and sectarian strife. Hassan Sa'dun, physician and member of the Committee for the Defense of Human Rights, Kamal al-Labwani, and engineer Fawaz Tillu were sentenced respectively to 2, 3, and 5 years in prison for instigating armed mutiny against the Government (*see* Sections 1.d., 2.a., and 3).

The ESC tried persons for alleged violations of foreign exchange laws and other economic crimes. The prosecution of economic crimes was not applied uniformly. Like the SSSC, the ESC did not ensure due process for defendants. Defendants were not provided adequate access to lawyers to prepare their defenses, and the State's case usually was based on confessions. High-ranking government officials may influence verdicts. Those convicted of the most serious economic crimes do not have the right of appeal, but those convicted of lesser crimes may appeal to the Court of Cassation. The Economic Penal Code allowed defendants in economic courts to be released on bail. The bail provision does not extend to those accused of forgery, counterfeiting, or auto theft; however, the amendment is intended to provide relief for those accused of other economic crimes, many of whom have been in pretrial detention for long periods of time. These amendments to the Economic Penal Code also limit the categories of cases that can be tried in the ESC. In November 2001, the Government approved a general pardon for nonpolitical prisoners and a reduction of sentences by one-third for persons convicted of economic crimes, with a provision to commute sentences entirely for persons who return embezzled funds to investors within 1 year of the law's effective date.

At least two persons arrested when late President Asad took power in 1970 may remain in prison, despite the expiration of one of the prisoners' sentences.

The Government in the past denied that it held political prisoners, arguing that although the aims of some prisoners may be political, their activities, including subversion, were criminal. The official media reported that the 600 beneficiaries of the November 2000 amnesty were political prisoners and detainees; this reportedly was the first time that the Government acknowledged that it held persons for political reasons. Nonetheless, the Emergency Law and the Penal Code are so broad and vague, and the Government's power so sweeping, that many persons were convicted and are in prison for the mere expression of political opposition to the Government. The Government's sentencing of 10 prominent civil society and human rights activists for "crimes of state security" represented a retreat from recent modest attempts at political liberalization (*see* Sections 1.d. and 2.a.).

The exact number of political prisoners was unknown. Unconfirmed regional press reports estimated the total number of political prisoners at between 400 and 600. In April 2001, a domestic human rights organization estimated the number to be nearly 800, including approximately 130 belonging to the Islamic Liberation Party, 250 members and activists associated with the Muslim Brotherhood, 150 members of the pro-Iraq wing of the Ba'th Party, and 14 Communists. In its report for the year, the Syrian Human Rights Committee estimated that there were approximately 4,000 political prisoners still in detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although laws prohibit such actions, the Emergency Law authorizes the security services to enter homes and conduct searches without warrants if security matters, very broadly defined, are involved. The security services selectively monitored telephone conversations and fax transmissions. The Government opened mail destined for both citizens and foreign residents. It also prevented the delivery of human rights materials (*see* Section 2.a.).

The Government continued its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions, minimize outside interference, or prompt the fugitive's surrender (*see* Section 1.d.). There have been reports that security personnel force prisoners to watch relatives being tortured in order to extract confessions. According to AI, security forces also detained family members of suspected oppositionists (*see* Section 1.d.).

In the past, the Government and the Ba'th Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to express opinions freely in speech and in writing, but the Government restricted these rights significantly in practice. The Government strictly controlled the dissemination of information and permitted little written or oral criticism of President Asad, his family, the Ba'th Party, the military, or the legitimacy of the Government. The Government also did not permit sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violate these unwritten rules at times occurred. The Government also threatened activists to attempt to control their behavior. In January 2001, novelist Nabil Sulayman was attacked outside his apartment in Latakia. Some observers believed the attack was a message from the Government to civil society advocates to moderate their pressure for reform. The attack came just after Information Minister Adnan 'Umran publicly criticized civil society advocates.

In a speech in February 2001, President Asad explicitly criticized civil society advocates as elites “from outside” who wrongly claim to speak for the majority and said that openness would only be tolerated as long as it “does not threaten the stability of the homeland or the course of development.” The Government required all social, political, and cultural forums and clubs to obtain advance official approval for meetings, to obtain approval for lecturers and lecture topics, and to submit lists of all attendees (*see* Section 2.b.). During the year, several unapproved forums met, which while technically unhindered, were under government observation.

In January 2001, the regional press reported on a “Group of 1,000” intellectuals that issued a statement calling for more comprehensive reforms than those demanded by a group of 99 intellectuals in September 2000. The group’s statement called for lifting martial law, ending the state of emergency that has been in effect since 1963, releasing political prisoners, and expanding civil liberties in accordance with the provisions of the Constitution. Although the Government did not take action immediately against any of the signatories, in September 2001 it detained seven prominent human rights figures, reportedly charging them under articles in the Penal Code dealing with crimes against state security. A number of those detained were signatories of the “Group of 1,000” petition. The Government tried the 10 civil society and human rights activists in criminal and state security courts and sentenced them to 2 to 10 years in prison for crimes against state security (*see* Section 1.e.). In December 2000, a local human rights organization published an open letter in a Lebanese newspaper calling for the closure of the notorious Tadmur Prison.

The Emergency Law and Penal Code articles dealing with crimes against state security allow the Government broad discretion in determining what constitutes illegal expression. The Emergency Law prohibits the publication of “false information”, which opposes “the goals of the revolution” (*see* Section 1.e.). Penal Code articles prohibit “attempting to illegally change the Constitution,” “preventing authorities from executing their responsibilities,” and “acts or speech inciting confessionism.” In August 2001, the Government amended the Press Law to permit the reestablishment of publications that were circulated prior to 1963 and established a framework in which the National Front Parties, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the same amendments also stipulated imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of “inaccurate” information, particularly if it “causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system.” Persons found guilty of publishing such information were subject to prison terms ranging from 1 to 3 years and fines ranging from \$10,000 to \$20,000 (500,000 to 1 million Syrian pounds). The amendments also imposed strict punishments on reporters who do not reveal their government sources in response to government requests. Critics claimed that the amendment would increase self-censorship by journalists, and that it strengthened, rather than relaxed, restrictions on the press.

The Government imprisoned journalists for failing to observe press restrictions. Official media reported that journalist Ibrahim Hamidi was arrested on December 23 on charges of “publishing unfounded news,” a violation of Article 51 of the 2001 Publication Law. Although the announcement did not specify the violation, it was believed to be a December 20 article in the London-based al-Hayat discussing the Government’s contingency planning for possible hostilities in Iraq. At year’s end, Hamidi still was detained by authorities and denied contact with his family. State security services were known to threaten local journalists, including with the removal of credentials, for articles printed outside the country. In April and May the

Government refused to renew the press credentials and/or residency permits of several journalists for reasons including "ill-intentioned reporting" and "violating the rules for accrediting correspondents and the tradition of the profession of journalism."

The Ministry of Information and the Ministry of Culture and National Guidance censored domestic and imported foreign press. They usually prevent the publication or distribution of any material deemed threatening or embarrassing by the security services to high levels of the Government. Censorship usually was stricter for materials in Arabic. Commonly censored subjects included: The Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sexual activity; material unfavorable to the Arab cause in the Middle East conflict; and material that was offensive to any of the country's religious groups. In addition most journalists and writers practiced self-censorship to avoid provoking a negative government reaction.

There were several new private publications in 2000 and 2001, but only one appeared during this year. In January 2001, the Government permitted publication of the National Progressive Front's (NPF) Communist Party newspaper, *The People's Voice*. It became the first private paper distributed openly since 1963. In February 2001, the Government permitted publication of the NPF's Union Socialist Party's private newspaper, *The Unionist*. Also in February 2001, the Government permitted the publication of a private satirical weekly newspaper, *The Lamplighter*, which criticized politically nonsensitive instances of government waste and corruption. In June 2001, the Government permitted the publication of the private weekly newspaper *The Economist*, which was critical of the performance of the Government.

In his July 2000 inaugural speech, President Bashar Al-Asad emphasized the principle of media transparency. Since July 2000, both the print and electronic media at times have been critical of Ba'th Party and government performance and have reported openly on a range of social and economic issues. While this relaxation of censorship did not extend to domestic politics or foreign policy issues, it was a notable departure from past practice. Some Damascus-based correspondents for regional Arab media also were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the Ba'th Party-dominated National Progressive Front.

The media continued to broaden somewhat their reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but other events were reported selectively to support official views. The Government-controlled press increased its coverage of official corruption and governmental inefficiency. A few privately owned newspapers published during the year; foreign-owned, foreign-published newspapers continued to circulate relatively freely.

The Government or the Ba'th Party owned and operated the radio and television companies and most of the newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to the Government line. The Government did not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and in neighborhoods of all social and economic categories, and in 2001 the Minister of Economy and Foreign Trade authorized private sector importers to import satellite receivers and visual intercommunication systems.

The Ministry of Culture and National Guidance censored fiction and nonfiction works, including films. It also approved which films may or may not be shown at the cultural centers operated by foreign embassies. The Government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country (*see* Section 5).

In 2000 cellular telephone service was introduced although its high cost severely limited the number of subscribers. Internet access and access to e-mail was limited but growing. The Government blocked access to selected Internet sites that contained information deemed politically sensitive or pornographic in nature. The Government also consistently blocked citizens' access to servers that provide free e-mail services. The Government has disrupted telephone services to the offices and residences of several foreign diplomats, allegedly because the lines were used to access Internet providers outside the country.

The Government restricted academic freedom. Public school teachers were not permitted to express ideas contrary to government policy, although authorities allowed somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association.—Freedom of assembly does not exist under the law. Citizens may not hold demonstrations unless they obtain permission from the Ministry of Interior. Most public demonstrations were organized by the Government or the Ba'th Party. The Government selectively permitted some demonstrations, usually for political reasons. The Government applied the restrictions on public assembly in Palestinian refugee camps, where controlled demonstrations have been allowed.

During the year there continued to be numerous demonstrations, most of which were permitted or organized by the Government, and some of which were directed against diplomatic missions and international agencies in reaction to the Israeli government's use of force against Palestinians in Israel, the West Bank, and Gaza.

In 2000 there were large demonstrations in Suwayda province following violent clashes between Bedouin shepherds and Druze residents of the province (see Sections 1.a. and 5).

The Government restricted freedom of association. During the year, it required private associations to register with authorities and denied several such requests, presumably on political grounds. The Government usually granted registration to groups not engaged in political or other activities deemed sensitive. The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions, during the year several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval for the meetings.

The authorities did not allow the establishment of independent political parties (see Section 3).

The Government sentenced 10 human rights activists who had called for the expansion of civil liberties and organized public dialogue to lengthy prison stays for committing crimes against state security (see Sections 1.d. and 2.a.).

In 1980 the Government dissolved, and then reconstituted under its control, the executive boards of professional associations after some members staged a national strike and advocated an end to the state of emergency. The associations have not been independent since that time and generally are led by members of the Ba'th Party, although nonparty members may serve on their executive boards. At year's end, there was no new information on whether any persons detained in 1980 crackdowns on union and professional association officials remained in detention (see Sections 1.d. and 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed restrictions in some areas. The Constitution requires that the President be a Muslim. There is no official state religion; Sunni Muslims constitute the majority of the population.

All religions and orders must register with the Government, which monitors fund raising and requires permits for all meetings by religious groups, except for worship. There is a strict separation of religious institutions and the state. Religious groups tended to avoid any involvement in internal political affairs. The Government in turn generally refrained from becoming involved in strictly religious issues.

The Government considers militant Islam a threat and follows closely the practice of its adherents. The Government has allowed many new mosques to be built; however, sermons are monitored and controlled, and mosques are closed between prayers.

In 1999 and 2000, there were large-scale arrests, and torture in some cases, of Syrian and Palestinian Islamists affiliated with the Muslim Brotherhood and the Islamic Salvation Party (see Sections 1.c. and 1.d.).

Officially all schools are government run and nonsectarian, although some schools are run in practice by Christian, Druze, and Jewish minorities. There is mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses are divided into separate classes for Muslim, Druze, and Christian students. Although Arabic is the official language in public schools, the Government permits the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean in some schools on the basis that these are "liturgical languages."

Religious groups are subject to their respective religious laws on marriage, divorce, child custody, and inheritance (see Section 5).

Government policy officially disavows sectarianism of any kind. However, in the case of Alawis, religious affiliation can facilitate access to influential and sensitive posts. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population, estimated at 12 percent (see Section 3).

For primarily political rather than religious reasons, the less than 100 Jews remaining in the country generally are barred from government employment and do not have military service obligations. Jews are the only religious minority group whose passports and identity cards note their religion.

There generally was little societal discrimination or violence against religious minorities, including Jews.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government limited freedom of movement. The Government restricted travel near the Golan Heights. Travel to Israel was illegal. Exit visas generally no longer were required for women, men over 50 years old, and citizens living abroad. Individuals have been denied permission to travel abroad on political grounds, although government officials deny that this practice occurs. The authorities may prosecute any person found attempting to emigrate or to travel abroad illegally, or who has been deported from another country, or who is suspected of having visited Israel. Women over the age of 18 have the legal right to travel without the permission of male relatives. However, a husband or a father may file a request with the Ministry of Interior to prohibit his wife or daughter's departure from the country (see Section 5). Security checkpoints continued, although primarily in military and other restricted areas. There were few police checkpoints on main roads and in populated areas. Generally the security services set up checkpoints to search for smuggled goods, weapons, narcotics, and subversive literature. The searches took place without warrants.

The Government has refused to recognize the citizenship of or to grant identity documents to some persons of Kurdish descent. Their lack of citizenship or identity documents restricts them from traveling to and from the country (see Section 5). Emigres who did not complete mandatory military service may pay a fee to avoid being conscripted while visiting the country.

As of June, 401,185 Palestinian refugees were registered with the U.N. Relief and Works Agency (UNRWA) in the country. In general Palestinian refugees no longer report unusual difficulties travelling in and out of the country, as has been the case in the past. The Government restricted entry by Palestinians who were not resident in the country.

Citizens of Arab League countries may enter the country without a visa for a stay of up to 3 months, a period that is renewable on application to government authorities. Residency permits require proof of employment and a fixed address in the country.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperates on a case-by-case basis with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum but is selective about extending protection to refugees; 2,260 persons sought asylum during the year. Although the Government denied that it forcibly repatriated persons with a valid claim to refugee status, it apparently did so in the past. In September there were 3,018 non-Palestinian refugees in the country, all of whom were receiving assistance from the UNHCR, including 1,812 refugees of Iraqi origin.

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

Although citizens vote for the President and Members of Parliament, they did not have the right to change their government. The late President Hafiz Al-Asad was confirmed by unopposed referenda five times after taking power in 1970. His son, Bashar Al-Asad, also was confirmed by an unopposed referendum in July 2000. The Government is headed by a Cabinet, which the President has the discretion to change. Political opposition to the President is vigorously suppressed. The President and his senior aides, particularly those in the military and security services, ultimately make most basic decisions in political and economic life, with a very limited degree of public accountability. Moreover the Constitution mandates that the Ba'th Party is the ruling party and is ensured a majority in all government and popular associations, such as workers' and women's groups. Six smaller political parties are permitted to exist and, along with the Ba'th Party, make up the National Progressive Front (NPF), a grouping of parties that represents the sole framework of legal political party participation for citizens. While created to give the appearance of a multiparty system, the NPF is dominated by the Ba'th Party and does not change the essentially one-party character of the political system. Non-Ba'th Party members of the NPF exist as political parties largely in name only and conform strictly to

Ba'th Party and government policies. In 2000 there were reports that the Government was considering legislation to expand the NPF to include new parties and several parties previously banned; however, at year's end, there were no new developments.

The Ba'th Party dominates the Parliament, which is known as the People's Council. Although parliamentarians may criticize policies and modify draft laws, the executive branch retains ultimate control over the legislative process. The Government has allowed independent non-NPF candidates to run for a limited allotment of seats in the 250-member People's Council. The allotment of non-NPF deputies was 83, ensuring a permanent absolute majority for the Ba'th Party-dominated NPF. Elections for the 250 seats in the People's Council last took place in 1998.

In March and April, the Government sentenced independent Members of Parliament Ma'mun Humsi and Riad Seif to 5 year prison terms for attempting to illegally change the Constitution (*see* Section 1.d.).

Persons convicted by the State Security Court may be deprived of their political rights after they are released from prison. Such restrictions include a prohibition against engaging in political activity, the denial of passports, and a bar on accepting government jobs and some other forms of employment. The duration of such restrictions is 7 years after expiration of the sentence in the case of felony convictions; however, in practice the restrictions may continue beyond that period. The Government contends that this practice is mandated by the Penal Code; it has been in effect since 1949.

Women and minorities, with the exception of the Jewish population and stateless Kurds (*see* Section 5), participated in the political system without restriction. There were 2 female cabinet ministers, and 26 of the 250 members of Parliament were women. No figures of the percentage of women and minorities who vote were available; however, citizens are required by law to vote.

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

The Government did not allow domestic human rights groups to exist legally. Human rights groups have operated legally but ultimately were banned by the Government. The Government's sentencing of 10 civil society leaders this year to lengthy prison sentences stifled the activities of human rights activists and organizations (*see* Sections 1.d., 1.e., and 2.a.).

In February 2001, Human Rights Watch criticized the Government for restricting civil society groups from meeting. Human Rights Watch claimed that such groups had grown in popularity in the preceding months, but that on February 18, 2001 the Government informed many leaders of such groups that their meetings could not be held without government permission.

The Government has met only twice with international human rights organizations: Human Rights Watch in 1995 and Amnesty International in 1997.

As a matter of policy, the Government in its dealings with international groups denied that it commits human rights abuses. It has not permitted representatives of international organizations to visit prisons. The Government stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established expressly for that purpose. The Government usually responds to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the prisoner in question has violated national security laws.

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

The Constitution provides for equal rights and equal opportunity for all citizens. However, in practice membership in the Ba'th Party or close familial relations with a prominent party member or powerful government official can be important for economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'th Party members. Apart from some discrimination against Jews and stateless Kurds, there were no apparent patterns of systematic government discrimination based on race, sex, disability, language, or social status. However, there were varying degrees of societal discrimination in each of these areas.

Women.—Violence against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases likely were unreported, and victims generally were reluctant to seek assist-

ance outside the family. Battered women have the legal right to seek redress in court, but few do so because of the social stigma attached to such action. The Syrian Women's Federation offers services to battered wives to remedy individual family problems. The Syrian Family Planning Association also attempts to deal with this problem. Some private groups, including the Family Planning Association, have organized seminars on violence against women, which were reported by the Government press. There are a few private, nonofficial, specifically designated shelters or safe havens for battered women who seek to flee their husbands.

Rape is a felony; however, there are no laws against spousal rape.

Prostitution is prohibited by law, and it was not a widespread problem.

The law specifically provides for reduced sentences in "honor" crimes (violent assaults with intent to kill against a female by a male for alleged sexual misconduct). Instances of honor crimes were rare and occurred primarily in rural areas in which Bedouin customs prevail.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover the Government has sought to overcome traditional discriminatory attitudes toward women and encourages women's education. However, the Government has not yet changed personal status, retirement, and social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, the punishment for adultery for a woman is twice that as for the same crime committed by a man.

Christians, Muslims, and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance. For Muslims, personal status law on divorce is based on Shari'a (Islamic law), and some of its provisions discriminate against women. For example, husbands may claim adultery as grounds for divorce, but wives face more difficulty in presenting the same argument. If a woman requests a divorce from her husband, she may not be entitled to child support in some instances. In addition, under the law a woman loses the right to custody of boys when they reach age 9 and girls at age 12.

Inheritance for Muslims also is based on Shari'a. Accordingly Muslim women usually are granted half of the inheritance share of male heirs. However, Shari'a mandates that male heirs provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygyny is legal but is practiced only by a small minority of Muslim men.

A husband may request that his wife's travel abroad be prohibited (*see* Section 2.d.). Women generally are barred from travelling abroad with their children unless they are able to prove that the father has granted permission for the children to travel.

Women participated actively in public life and were represented in most professions, including the military. Women were not impeded from owning or managing land or other real property. Women constituted approximately 7 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—There was no legal discrimination between boys and girls in education or in health care. The Government provides free, public education from primary school through university. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, approximately 46 percent of the total number of students through the secondary level are female. Nevertheless, societal pressure for early marriage and childbearing interferes with girls' educational progress, particularly in rural areas, in which the drop-out rates for female students remained high.

The Government provides medical care for children until the age of 18.

Although there are cases of child abuse, there is no societal pattern of abuse against children. The law provides for severe penalties for those found guilty of the most serious abuses against children.

Child prostitution and trafficking in children are rare; incidents that arise mainly involve destitute orphans.

The law emphasizes the need to protect children, and the Government has organized seminars regarding the subject of child welfare.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force. However, implementation is inconsistent. Regulations reserving four percent of government and public sector jobs for persons with disabilities are not implemented rigorously. Persons with disabilities may not legally challenge alleged instances of discrimina-

tion. There are no laws that mandate access to public buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority was a significant exception. Although the Government contends that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish (see Section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The Government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds in the country reside. Some members of the Kurdish community have been tried by the Supreme State Security Court for expressing support for greater Kurdish autonomy or independence. Although the Government stopped the practice of stripping Kurds of their Syrian nationality (some 120,000 had lost Syrian nationality under this program in the 1960s), it never restored the nationality to those who lost it earlier. As a result, those who had lost their nationality, and their children, have been unable to obtain passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number approximately 200,000, are unable to own land, are not permitted to practice as doctors or engineers or be employed by the Government, are ineligible for admission to public hospitals, have no right to vote, and cannot travel to and from the country. They also encounter difficulties in enrolling their children in school, and in some cases, in registering their marriages.

In November 2000, a number of armed clashes occurred between Bedouin shepherds and Druze residents of Suwayda Province that required government military intervention to stop. Local press reported that between 15 and 20 Druze, Bedouin, and security forces personnel were killed. There were large demonstrations following the deaths (see Sections 1.a. and 2.b.).

In August President Asad became the first president in 40 years to visit Hasakeh province in the northeast, where most Kurds reside. In meetings with regional and Kurdish leaders, he reportedly acknowledged the importance of Kurds to the local cultural heritage and stated his willingness to discuss citizenship problems.

Section 6. Worker Rights

a. The Right of Association.—Although the Constitution provides for this right, workers were not free to establish unions independent of the Government. All unions must belong to the General Federation of Trade Unions (GFTU), which is dominated by the Ba'th Party and is in fact a part of the State's bureaucratic structure. The GFTU is an information channel between political decision-makers and workers. The GFTU transmits instructions downward to the unions and workers but also conveys information to decision-makers about worker conditions and needs. The GFTU advises the Government on legislation, organizes workers, and formulates rules for various member unions. The GFTU president is a senior member of the Ba'th Party. He and his deputy may attend cabinet meetings on economic affairs. The GFTU controls nearly all aspects of union activity.

There were no reports of antiunion discrimination. Since the unions are part of the Government's bureaucratic structure, they are protected by law from antiunion discrimination.

The GFTU is affiliated with the International Confederation of Arab Trade Unions.

In 1992 the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences was suspended because the Government failed to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively does not exist in any meaningful sense. Government representatives were part of the bargaining process in the public sector. In the public sector, unions did not normally bargain collectively on wage issues, but there was some evidence that union representatives participated with representatives of employers and the supervising ministry in establishing minimum wages, hours, and conditions of employment. Workers serve on the boards of directors of public enterprises, and union representatives always are included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the Government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settle most disputes without resort to legal remedies

or arbitration. Management has the right to request arbitration, but that right seldom is exercised. Arbitration usually occurs when a worker initiates a dispute over wages or severance pay.

The law does not prohibit strikes; however, previous government crackdowns deterred workers from striking. In 1980 the security forces arrested many union and professional association officials who planned a national strike. Some of them are believed to remain in detention, either without trial or after being tried by the State Security Court (*see* Sections 1.d. and 2.b.). During the year, there were no strikes.

There are no unions in the seven free trade zones. Firms in the zones are exempt from the laws and regulations governing hiring and firing, although they must observe some provisions on health, safety, hours, and sick and annual leave.

c. Prohibition of Forced or Bonded Labor.—There is no law prohibiting forced or bonded labor, including that performed by children. There were no reports of forced or bonded labor by children, or forced labor involving foreign workers or domestic servants. Forced labor has been imposed as a punishment for some convicted prisoners.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law provides for the protection of children from exploitation in the workplace; however, the Government tolerated child labor in some instances. Independent information and audits regarding government enforcement were not available. The compulsory age for schooling is 6 to 12 years of age; however, in 2000 the Parliament approved legislation that raised the private sector minimum age for employment from 12 to 15 years for most types of nonagricultural labor, and from 16 to 18 years for heavy work. Working hours for youths of legal age do not differ from those established for adults. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night. However, the law applies only to children who work for a salary. Those who work in family businesses and who technically are not paid a salary—a common phenomenon—do not fall under the law. Children under the age of 16 are prohibited by law from working in mines, at petroleum sites, or in other dangerous fields. Children are not allowed to lift, carry, or drag heavy objects. The exploitation of children for begging purposes also is prohibited. The Government claims that the expansion of the private sector has led to more young children working.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18, but it does not have enough inspectors to ensure compliance with the laws. The Ministry has the authority to specify the industries in which children 15 and 16 years of age may work.

The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks was unknown. The majority of children under age 16 who work did so for their parents in the agricultural sector without remuneration. The ILO reported in 1998 that 10.5 percent of children under the age of 18 participate in the labor force, which amounts to 4.7 percent of the total work force.

The law does not prohibit forced or bonded labor by children; however, such practices were not known to occur.

e. Acceptable Conditions of Work.—The Minister of Labor and Social Affairs is responsible for enforcing minimum wage levels in the public and private sectors. In May the Government increased public sector minimum wages by 20 percent to \$69 (3,175 Syrian pounds) per month, plus other compensation (for example, meals, uniforms, and transportation). In August the Government announced a 20 percent increase in private sector minimum wages. The gain in minimum wage levels was largely cancelled out by the increase in prices. These wages did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors take additional jobs or are supported by their extended families.

The statutory workweek for administrative staff is 6 days of 6 hours each, and laborers work 6 days a week of 8 hours each. In some cases a 9-hour workday is permitted. The laws mandate one 24-hour rest day per week. Rules and regulations severely limit the ability of an employer to dismiss employees without cause. Even if a person is absent from work without notice for a long period, the employer must follow a lengthy procedure of trying to find the person and notify him, including through newspaper notices, before he is able to take any action against the employee. Dismissed employees have the right of appeal to a committee of representatives from the union, management, the Ministry of Labor and Social Affairs, and the appropriate municipality. Such committees usually find in favor of the employee. Dismissed employees are entitled to 80 percent of salary benefits while the dispute is under consideration. No additional back wages are awarded should the employer

be found at fault, nor are wage penalties imposed in cases in which the employer is not found at fault. The law does not protect temporary workers who are not subject to regulations on minimum wages. Small private firms and businesses employ such workers to avoid the costs associated with hiring permanent employees.

The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there is little enforcement without worker complaints, which occur infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employ safety engineers.

The ILO noted in 1998 that a provision in the Labor Code allowing employers to keep workers at the workplace for as many as 11 hours a day might lead to abuse. However, there have been no reports of such abuses. Officials from the Ministries of Health and Labor are designated to inspect work sites for compliance with health and safety standards; however, such inspections appear to be sporadic, apart from those conducted in hotels and other facilities that cater to foreigners. The enforcement of labor laws in rural areas also is more lax than in urban areas, where inspectors are concentrated. Workers may lodge complaints about health and safety conditions, with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country; but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons; however, there were no reports that persons were systematically being trafficked to, from, or within the country. Standard labor laws could be applied in the event of allegations of trafficking. The Penal Code penalizes prostitution and trafficking of citizen women abroad.

TUNISIA

Tunisia is a constitutional republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. This dominance was reaffirmed in an overwhelming RCD victory in the October 1999 legislative and presidential elections. Although 1999 revisions to the Constitution allowed 2 opposition candidates to run against Ben Ali in the elections, the official results stated that Ben Ali won 99.44 percent of the vote. The ruling RCD party's domination of state institutions and political activity precludes credible and competitive electoral challenges from unsanctioned actors. Approximately 20 percent of representation in the Chamber of Deputies is reserved for opposition parties (34 of 182 seats). On June 1, nearly half the Constitution was amended after the Government initiated changes that, among other things, removed term limits for the presidency, raised the age limit of presidential candidates, granted immunity to the president for acts committed while in office, and created a second legislative chamber. In May the Government had put the amendment reforms to a national referendum and stated that it passed with 99.52 percent of the vote, though credible reports indicated that the vote was characterized by intimidation and that there was no secret ballot. The next presidential election is scheduled for 2004. The President appoints the Prime Minister, the Cabinet, and the 24 governors. There were reports of government pressure and interference during voting for the May 26 constitutional referendum and some NGOs condemned the Government's amendment plan as a reinstatement of a "presidency-for-life." Although the Constitution provides for an independent judiciary, the executive branch and the President strongly influenced judicial decisions, particularly in political cases.

The police share responsibility for internal security with a paramilitary National Guard. The police operated in the capital and a few other cities. In outlying areas, their policing duties were shared with, or ceded to, the National Guard. Both forces were under the control of the Minister of Interior and the President. Security forces continued to commit serious human rights abuses.

The country had a population of 9.7 million with an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. According to government statistics, more than 60 percent of citizens are in the middle class and only 4.2 percent of citizens fell below the poverty line.

The Government generally respected the rights of its citizens in some areas; however, its record remained poor in other areas, and significant problems remained.

There were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained persons. International observers were not allowed to inspect prisons, and lengthy pretrial detention and incommunicado detention remained problems. The Government infringed on citizens' privacy rights. Security forces physically abused, intimidated, and harassed citizens who voiced public criticism of the Government. The Government continued to impose significant restrictions on freedom of speech and of the press. Editors and journalists continued to practice self-censorship. The Government remained intolerant of public criticism, using physical abuse, criminal investigations, the court system, arbitrary arrests, and travel controls (including denial of passports), to discourage criticism and limit the activities of human rights activists. The Government restricted freedom of assembly and association. The Government did not permit proselytizing. The Government continued to support the rights of women and children; however, legal discrimination against women continued to exist. Child labor existed but continued to decline, due principally to government efforts to address the problem. Tunisia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, during the year there were allegations of three deaths in custody in which members of the security forces were involved directly or in which they were accused of complicity. In March the National Council for Liberties in Tunisia (CNLT) released its second report on the state of liberties in the country that described incidents in 2000 and 2001 of five suspicious deaths in custody that the police classified as suicides and roadside deaths the police classified as vehicle accidents.

In March the Tunisian Human Rights League (LTDH) branch in Medenine investigated the death in police custody of Imed Ben Ali Bourguiba. The police claimed that Bourguiba committed suicide on March 14. No information on his death was made public.

On March 23, Abdelwahab Boussaa, a 32-year-old an-Nahdha member who had been imprisoned since 1991 for membership in an illegal organization, died in prison of acute renal failure caused by a hunger strike protesting prison conditions and torture by prison authorities.

On March 30, Lakhdar Ben Hacine Zbiri, a 36-year-old an-Nahdha member, died in prison allegedly as a result of neglect. Prison officials were accused of denying Zbiri, who was diagnosed earlier with leukemia, adequate medical care.

The Government did not release any information on the following deaths in custody reported in 2001: Abderrahman Jehinaoui; Ryadh Bouslama Sayadi; Zine Ben Brik; and Hassene Azouzi.

In 2001 the Government sentenced to prison terms some security officials found responsible for deaths in custody (*see* Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security forces reportedly routinely used various methods of torture to coerce confessions from detainees and to punish political prisoners. The forms of torture included electric shock; confinement to tiny, unlit cells; submersion of the head in water; beatings with hands, sticks, and police batons; suspension from cell doors resulting in lost consciousness; cigarette burns, and food and sleep deprivation. Police also reportedly beat naked, manacled prisoners while they were suspended from a rod. Some credible reports indicated the use of sexual assault and threats of sexual assault by police and prison officials against the wives of Islamist prisoners to extract information or to intimidate or punish prisoners.

In June Ali Mansouri, a prisoner who alleged he was severely beaten by prison guards, received the final payment in compensation for amputation of both legs as a result of mistreatment received in prison. In the first case of its kind, Mansouri filed criminal charges against the mistreatment by prison guards in 2000. In 2001 the court found four guards guilty of torture and sentenced them each to 4 years in prison. It also ordered the Government to pay \$210,000 (315,000 dinars) in compensation to Mansouri. On January 25, the Mansouri decision was reviewed by the Criminal Court of Appeal. The court upheld convictions of three of the guards, sen-

tencing two of them to 4 years imprisonment and reducing the sentence of a third guard to 2 years. The court overturned the conviction of the fourth guard.

According to Amnesty International (AI) and defense attorneys, the courts routinely failed to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture. In 1999 the Government enacted amendments to the Penal Code that adopted the U.N. definition of torture, instructed police to inform detainees of their rights, including, notably, the right of a defendant to demand a medical examination while in detention, and increased the maximum penalty for those convicted of committing acts of torture from 5 to 8 years. The Government also shortened the maximum allowable period of prearrest incommunicado detention from 10 to 6 days and added a requirement that the police notify suspects' families on the day of their arrest (*see* Section 1.d.). However, credible sources claimed that the Government rarely enforced these provisions and that appeals to the court for enforcement routinely were denied.

Credible reports indicated that police tortured Lofti Ferhat, a 39-year-old former courier who had been living in France before his 2000 arrest. During his incommunicado detention at the Ministry of Interior, he signed an admission of membership in a group linked to an-Nahdha. In 2001 a military court convened to hear the case against Ferhat and, based on the signed admission extracted under torture by authorities, sentenced him to 7 years in prison plus 5 years of administrative control. In May the Court of Cassation upheld his sentence and ruled that the defendant's claims of torture were inadmissible in the appeal hearing (*see* Section 1.e.).

In June the LTDH released a report citing that the human rights situation in the country had "seriously deteriorated." The report, the first publicly released since 1994, cited several instances of torture and deaths in prison. In July the League announced that it would prepare a report specifically aimed at documenting the situation in the prisons and estimated the prison population to be more than 30,000.

Human rights advocates maintained that charges of torture and mistreatment were difficult to document because government authorities often denied medical examinations until evidence of abuse has disappeared. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and claimed that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. However, according to human rights groups, police often refused to register complaints and judges dismissed complaints lodged by alleged victims of torture with little or no investigation. Absent a formal complaint, the Government may open an administrative investigation but is unlikely to release the results to the lawyers of affected prisoners. The Government appeared to distinguish Islamists from other political opposition prisoners; Islamists tended to receive harsher treatment during their arrests and confinement. The 2001 conviction of the prison guards in the Mansouri case represented the first documented instance in which prison security officials were disciplined for such abuse.

Security forces attacked and beat citizens, particularly human rights activists, for holding demonstrations or meetings, or for criticizing the Government (*see* Sections 2.b. and 4). On January 13, the CNLT reported that police prevented a plenary meeting they tried to hold at the Aloes Publishing House to discuss the organization's annual report.

On January 30, plainclothes police beat Loumamba Mohseni, director of communications for the Web magazine Kaws El Karama, unconscious as he waited for a taxi.

In April during otherwise peaceful pro-Palestinian demonstrations, police armed with truncheons dispersed demonstrators, mostly human rights and opposition leaders, beating some and chasing others into side streets.

On August 28, five plainclothes policemen attacked Lasaad Juhri, former prisoner of conscience upon leaving a lawyer's office. Police beat Juhri, who has a partially paralyzed right leg sustained from torture in prison between 1991 and 1994, with his crutch, concentrating the blows on his right knee (*see* Section 2.b.).

On December 11, former judge Mokhtar Yahiaoui was attacked and severely beaten by three plainclothes policemen while trying to enter the law offices of his colleague Nouredine Bhiri. Yahiaoui indicated that one policeman blocked the entry to the office and dragged him to a narrow side street where two other officers beat him. Yahiaoui's screams drew a crowd of onlookers and the police relented long enough for Yahiaoui to run back to Bhiri's office. He was treated in a local hospital for contusions to his head, face and legs. Yahiaoui said he believed the beating was because of a call he made on December 10 for the Government to release 23 political prisoners who have been in detention for more than 10 years.

In 2001 legal responsibility for the prison and parole system transferred from the Ministry of Interior to the Ministry of Justice, which stated publicly its intent to

improve prison conditions; however, there were no discernable changes by year's end.

Prison conditions ranged from Spartan to poor and, in nearly all cases, did not meet international standards. Credible sources reported that overcrowding remained a serious problem, with 40 to 50 prisoners typically confined to a single 194-square foot cell, and up to 140 prisoners held in a 323-square foot cell. Defense attorneys reported that prisoners were forced to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems.

On December 12, the magazine *Realities* published an article documenting substantial overcrowding and substandard prison conditions. The article quoted a study by the International Center for Prison Studies, King's College London, which indicated a prison population rate of 253 prisoners per 100,000 persons. *Realities* claimed that prisoners were made to sleep on floors and under beds and that some waited up to 7 months before moving from the floor to a bed shared with other prisoners. In response to the article, President Ben Ali announced the formation of a commission of inquiry into prison conditions. On December 16, the public prosecutor called the author of the article, Hedi Yahmed, to answer charges of defamation and "spreading false information aimed at undermining the public order." On December 19, he was forced to resign after substantial government pressure and left the country (see Section 2.a.).

There were credible reports that conditions and prison rules were harsher for political prisoners than for the general prison population. One credible report alleged the existence of special cell blocks and prisons for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal an-Nahdha Islamist movement remained in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them. The CNLT reported in the past that inmates were instructed to isolate new political prisoners and were punished severely for contact with them.

During the year, prisoners undertook several hunger strikes to protest substandard prison conditions, mistreatment, and the denial of family visits. In January Mohamed Moaada began a hunger strike to protest poor prison conditions and his lack of proper medical treatment. On January 31, Moaada received a presidential pardon and was conditionally released from prison.

On March 16, Ammar Amroussia, a Tunisian Communist Worker's Party (PCOT) member detained on February 2, began a hunger strike protesting prison conditions and his transfer. On November 7, he was released from prison as part of an amnesty marking the 15th anniversary of President Ben Ali's accession to power.

In June Radhia Nasraoui undertook a 6-week hunger strike protesting her husband Hamma Hammami's imprisonment. The Government responded by characterizing her actions as "immoral." During her hunger strike, she traveled to Paris with her daughter, claiming she wanted her children in France "far away from police provocation" (see Section 2.b.).

On July 29, prisoners at Borj El Amri near Tunis started a general hunger strike protesting their conditions. Credible reports indicated that the prison director beat one of the prisoners, Hatem Ben Romdhane, for his participation.

Zakaria Ben Mustapha, National Commissioner for Human Rights, continued the practice of reviewing prison conditions. The organization is government-funded and in January Ben Mustapha reported his findings to President Ben Ali, who declined to make them public.

The Government did not permit international organizations or the media to inspect or monitor prison conditions. In March the CNLT called for reform of the prison system, citing the systematic torture and abuse of prisoners and continued lack of basic hygienic conditions and medical care. Men, women, and children were held separately in prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law authorizes the police to make arrests without warrants only in the cases of suspected felons or crimes in progress; however, the authorities did not observe this restriction and arbitrary arrest and detention remained problems. The Penal Code provides for a maximum 3-day detention period, renewable once (for a maximum of 6 days) by the prosecutor, thus reducing from 10 days to 6 the period that the Government may hold a suspect incommunicado following arrest and prior to arraignment. The Code also requires arresting officers to inform detainees of their rights and detainees' families of the arrest at the time of arrest, and to make a complete record of the times and dates of such notifications. Credible sources stated that the law rarely was enforced with respect to either common criminals or political detainees. Detainees have the right to be in-

formed of the grounds for arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the 6-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintained that the authorities illegally extend the maximum limit of pre-arraignment detention by falsifying the date of arrest. Police reportedly extorted money from families of innocent detainees for dropping charges against them.

The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, preventive detention may last an initial period of 6 months and be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3 months only. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties. The law provides persons indicted for criminal acts the right to appeal their indictment before the case comes to trial. Detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention.

A case proceeds from investigation to a criminal court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial, nor is there a legal basis for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly had encouraged judges to make better use of release on bail and suspended sentences. Some defendants have claimed that they have been held in pretrial detention for years.

On May 31, Moncef Chaker reportedly was arrested and taken to his home where police seized his personal computer. He was held in incommunicado detention at the Ministry of Interior for several days. No explanation was given for his arrest and he indicated police threatened him not to reveal details of his detention.

On September 4, Zouhayer Makhoul and Chadli Turki were arrested for reasons that were not made clear to them. Makhoul, an AI member, indicated he was asked to give up his membership in the human rights organization. Turki, a medical doctor, indicated he believed he was being harassed possibly because of links to some political opponents. On September 8, they were released.

Sihem Bensedrine, who in 2001 was arrested, charged with defamation of a judge and spreading false information aimed at undermining the public order on Al-Mustaquella satellite broadcast in London, and released as part of a broader amnesty, may still be subject to judicial proceedings. However, at year's end, she had not been subject to additional proceedings.

On January 31, Mohammed Moaada was conditionally released on a presidential pardon and his civil and political rights were restored. In 2001 police arrested Moaada, former secretary general of the Democratic Socialist Movement (MDS) opposition party, for violating the conditions of his parole. Precise charges were not publicly specified; however, prior to his arrest he had appeared on Al Mustaquella criticizing the Government.

The Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence; however, only judges have the right to order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. Security forces reportedly arbitrarily imposed administrative controls on former prisoners following their release from prison, which often prevented them from being able to hold a job. Defense attorneys reported that some clients must sign in four or five times daily, at times that are determined only the previous evening. When the clients arrive at the police station, they may be forced to wait hours before signing in, making employment impossible and childcare difficult. Numerous Islamists released from prison in recent years have been subjected to these types of requirements.

The law allows judges to substitute community service for jail sentences in minor cases in which the sentence would be 6 months or less. There is no evidence that this alternative was applied in political cases.

There were reports of hundreds of political detainees, although there was no reliable estimate due to arbitrary government detention practices and the lack of public arrest records. The Government denied arresting persons for political crimes. Rather, it relied on a variety of broad or vague provisions in the Penal Code, including against "spreading false information aimed at undermining the public order," and "belonging to an illegal organization," to arrest and charge political opponents, human rights activists, and Islamists, among others.

Judges and the Government exercised the authority to release prisoners or suspend their sentences, often on conditional parole. For example, in 2001 human rights lawyer Nejib Hosni received a presidential pardon after serving 4½ months

for violating his conditional parole by practicing law. Hosni appeared at the Court of Appeal on behalf of Hamma Hammami and addressed the court as a lawyer despite the official ban on his practicing. The Tunisian Bar Association came to his defense, claiming that only it has the authority to disbar lawyers. Hosni continued to practice law, despite the Government's ban, and represented several human rights defendants. On September 4, Hamma Hammami and Samir Taamallah were released on conditional parole for health reasons.

The Constitution prohibits forced exile, and the Government observed this prohibition. Some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return. However, since 2000 the Government had returned 200 passports (*see* Section 2.d.). One report indicated that in July journalist Abdallah Zouari received an administrative order from the Ministry of Interior ordering him to comply with an internal exile provision of his administrative control, banishing him to Zarzis in the south of the country (*see* Section 2.d.).

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, the executive branch and the President strongly influenced judicial decisions, particularly in political cases. The judicial branch is part of the Ministry of Justice; the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition, the President is head of the Supreme Council of Judges. This renders judges susceptible to pressure in sensitive cases. In January the Chamber of Deputies passed a law granting citizens legal recourse to the Administrative Tribunal to address grievances against government ministries, as a type of ombudsman. However, government officials rarely respected decisions by the tribunal in practice.

The court system consists of the regular civil and criminal courts, including the courts of first instance; the courts of appeal; and the Court of Cassation, the nation's highest appeals court; as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the final arbiter, the Court of Cassation, which considers arguments on points of law as opposed to the facts of a case. AI has claimed that citizens charged under the tribunals have been denied basic rights during the judicial process. During the year, in one instance, civilians were tried before a military tribunal. The defendants were convicted of association with terrorist groups and sentenced to prison terms. In January 34 persons were convicted of belonging to a terrorist group linked to al-Qa'ida, 30 of whom remained outside the country.

In May, in another civilian case dating to 2000, Lofti Ferhat's conviction of belonging to a group linked to an-Nahdha was upheld.

By law the accused has the right to be present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice judges do not always permit this. In 2001 a sitting judge, Jedidi Ghenya, was quoted as declaring in court that everyone who appears before him is guilty until they prove their innocence, despite the fact that the Constitution provides for the presumption of innocence until the legal establishment of guilt.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contended that the courts often failed to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court record on one specified date in judges' chambers, without allowing attorneys to copy material documents. Defense lawyers also claimed that judges sometimes refuse to allow them to call witnesses on their clients' behalf or to question key government witnesses. Lengthy trial delays also were a problem (*see* Section 1.d.).

Although civil law, including family and inheritance law, is codified, judges were known to override codified law with Islamic law if codified law conflicts with Shari'a, especially in cases involving child custody. Generally Shari'a-based civil law was applied only in some family cases. Some families avoided the application of Shari'a in inheritance questions by executing sales contracts between parents and children in order to ensure that daughters received shares of property equal to that of the sons.

For example, codified laws provide women with the legal right to custody over minor children; however, judges have refused to grant women permission to leave

the country with minor children, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel. On July 22, police prevented Radhia Nasraoui's 3-year-old daughter from traveling. Though she had her mother's permission, police indicated her father, Hama Hammami, who was in prison at the time, must also give his permission. The child was allowed to travel with her mother several days later.

In court a woman's testimony is worth the same as a man's.

Human rights activists contended that the judicial system is neither independent nor fair and that it applies the law unevenly to defendants facing politically motivated charges. On February 7, the National Council of the Order of Lawyers observed a strike protesting the conditions of Hama Hammami's 1999 trial, during which Hammami and two co-defendants were tried in absentia. When they returned to the country to respond to charges, they were removed from court and re-sentenced in closed court. The Government described the strike as illegal.

On November 20, a Canadian national of Tunisian origin, Bechir Saad, was sentenced on appeal to 4 years in prison for membership in an-Nahdha. Saad, resident in Canada since 1989, was arrested during a holiday in the country. A Canadian consular official and a Canadian magistrate were allowed to attend his trial.

Throughout the year, the Government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials, while selectively barring other observers from human rights organizations from entering the country (*see* Section 4).

AI and defense attorneys reported that courts routinely failed to investigate allegations of torture and mistreatment, and have accepted as evidence confessions extracted under torture (*see* Section 1.c.). Defense lawyers and human rights activists claimed that the summary nature of court sessions sometimes prevented reasoned deliberation. They also claimed that erratic court schedules and procedures were designed to deter and discourage observers of political trials.

There is no definitive information regarding the number of political prisoners. Human Rights Watch has reported that there might be hundreds of political prisoners convicted and imprisoned for membership in the Islamist group an-Nahdha and the PCOT, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. In September 2001, AI estimated that there were up to 1,000 political prisoners. Nearly all those prisoners that have been identified by international human rights groups as political prisoners or prisoners of conscience have been arrested or detained under articles of the Penal or Press Codes prohibiting membership in illegal organizations or spreading false information aimed at undermining the public order.

The Government traditionally releases prisoners on national holidays. On November 7, the Government released six political prisoners to mark the anniversary of President Ben Ali's accession to power: Ammar Amroussia (PCOT), Abdejabbar Madouri (PCOT), Abdallah Zouari (an-Nahdha), Fethi Karoud (an-Nahdha), Khaled Khaldi (an-Nahdha), and Ahmed Amari (an-Nahdha).

The Government denied that it holds any prisoners considered "political," and normally did not provide details on the numbers or types of prisoners released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." However, the Government infringed on these rights. The law requires that the police obtain warrants to conduct searches; however, police sometimes ignored the requirement if authorities considered that state security is at stake or that a crime is in progress.

The Government broke into and ransacked the homes and offices of human rights activists and opposition figures.

In December 2001, Rally for an International Alternative for Development (RAID) reported that the houses of two of its members, Fathi Chamkhi and Sadri Khiari, were broken into and vandalized. On July 6, Chamkhi reported his house again was broken into as a punishment, he believed, for his participation in a meeting in Lyon on the state of human rights in the country.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of fax and computer-transmitted communications. The law does not authorize explicitly these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experienced frequent and sometimes extended interruptions of residential and business telephone and fax services. Human rights activists accused the Government of using the 1998 Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their mail and interrupt the delivery of for-

eign publications. Local phone, fax, and copy shops require users to turn over their identification cards when requesting to send faxes.

During the year, Radhia Nasraoui, a human rights lawyer, reported that the Government routinely cut her telephone service. In 2001 there were reports of the temporary disruption of cellular and landline service to prominent human rights and opposition leaders during the call-in portion of the Al-Mustaquella television program (*see* Section 2.a.).

The security forces routinely monitored the activities of political critics, and sometimes harassed, followed, questioned, assaulted or otherwise intimidated them, their relatives, and associates. Security forces continued to harass, assault, and intimidate members of the CNLT (*see* Sections 1.c, 2.b, and 4). For example, police place journalists who wrote articles critical of the Government, or who were active in human rights organizations, under surveillance (*see* Section 2.a.). Credible reports indicated that the children of activists were also harassed and beaten by police. For example, on June 14 a man attacked Amira Yahiaoui, daughter of Mokhtar Yahiaoui, with a club as she was leaving school. Witnesses believed the attacker to be a member of the police.

Human rights activists, lawyers, and other political activists also reported that they were under police surveillance. For example, police continued their heavy surveillance of the CNLT offices in Tunis (*see* Sections 2.b. and 4). In January LTDH president Mokhtar Trifi and committee member Neji Marzouk reported being subjected to body searches by border police when flying to Paris to attend a human rights conference. On February 7, Trifi also reported that his office was broken into and vandalized. Police refused to register his complaint, prompting Trifi's suspicion that the break-in was the work of "political police." During the year, both the home and offices of human rights lawyer Radhia Nasraoui continued to be under heavy surveillance.

Human rights activists claimed that the Government subjected the family members of Islamist activists, as well as other human rights activists, to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for alleged crimes committed by the activists. Human rights activists reported that their family members were denied jobs, business licenses, and the right to travel due to their relatives' activism. Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associates of the outlawed an-Nahdha movement and that they correctly were subjected to legitimate laws prohibiting membership in or association with that organization.

There were no reports during the year that the Government refused to issue passports to family members of human rights activists. However, police seized the passport of Hamma Hammami's daughter during a trip to the country's north coast. Nejib Hosni and his family members no longer were denied their passports.

Human rights activists alleged that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (*see* Section 1.d.) and confiscated national identity cards from numerous former prisoners. Confiscation of an identity card makes nearly every aspect of civil and administrative life difficult. An individual must have an identity card to receive access to healthcare, to sign a lease, to buy or drive a car, to have access to bank accounts, and pensions, and even to join a sports club. Police may stop anyone at anytime and ask for their identity card. If individuals are unable to produce cards, police may detain them until their identity can be established by a central fingerprint database. In 2000 a credible source claimed that the Government confiscated the national identity cards of as many as 10,000 persons who were either former prisoners convicted of membership in an-Nahdha or relatives of an-Nahdha members and their supporters.

The Government regularly prohibited the distribution of some foreign publications (*see* Section 2.a.). The security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press; however, the Government restricted these rights in practice. The Government used a central censorship office as well as indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who express dissenting opinions. In a 2001 speech before the RCD, President Ben Ali stated that although the Govern-

ment must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were “traitors” who would be prosecuted to the full extent of the law. Direct criticism of government policies or officials was restricted, either directly or through self-censorship, but press discussions of sensitive democracy and human rights problems in general were permitted.

In 2001 the Chamber of Deputies approved several changes to the Press Code, which included the designation of the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies as the central censorship office. However, with the abolishment of this ministry in September, the role of censor reverted to the Ministry of Interior. Opposition members and international observers viewed the changes to the Press Code as largely superficial—designed to give the appearance of liberalization while only making minor cosmetic changes, transferring a number of offenses from the Press Code to the Penal Code, making them subject to judicial review and streamlining the censorship process. The revisions provided that copies of newspapers published outside of Tunis could be deposited with local governors rather than at central Tunis offices. Newspapers were required to raise the percentage of journalists drawn from the Institute of Journalism (IPSI) on their editorial staff from 30 percent to 50 percent. In May the Tunisian Association of Journalists (AJT) released a widely disseminated report strongly criticizing the Government’s control of the press and information sector.

In September, after the May replacement of Minister of Human Rights Slaheddine Maaoui by Fethis Houidi, the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies was abolished. The portfolio was folded into a new Ministry of Justice and Human Rights under Minister of Justice Bechir Tekkari. Also in September, former university professor Harm Ben Salem was appointed General Coordinator for Human Rights in the newly designated ministry (*see* Section 4).

The Government detained, interrogated, and harassed local and international human rights activists (*see* Sections 1.c. and 4). On August 19, Islamist dissident and journalist Abdallah Zouari was arrested for violating the provisions of his administrative control. Zouari, a journalist for the an-Nahdha newspaper *Al Fajr*, originally was sentenced in 1991 to 11 years in prison for membership in an illegal organization. In June he was released under the condition he would serve out his 5 years of administrative control in the town of Zarzis (300 miles south of Tunis). Credible sources claimed his August arrest stemmed from his ignoring a July 15 letter from the Ministry of Interior ordering him to Zarzis. The Government denied Zouari ever held a press card or worked as a journalist and claimed his conviction was for possessing, making, and carrying ammunitions, weapons, and explosives as well as undermining state security. The court handed down an 8-month sentence (*see* Sections 1.e. and 4).

On May 16, border police at Tunis-Carthage airport refused entry into Tunis to French journalist Jean-Pierre Tuquoi, who had written items critical of the Ben Ali regime (*see* Section 4).

On June 4, Zouhair Yahiaoui was arrested and charged with spreading false information in relation to his opposition web magazine TUNeZINE. The magazine had published an online conference on the May 26 Constitutional referendum and asked respondents to vote whether they felt living in the country was like a prison. He also was alleged to have posted a rumor of an armed attack against the President. On June 20, Yahiaoui was sentenced to 2 years and 4 months in prison. During his July 10 appeal, the sentence was reduced to 2 years. Defense lawyers indicated they were given no opportunity to make arguments. In September Yahiaoui indicated he shared a cell that was 40 square meters with 80 persons and that they only had access to water for 30 minutes a day.

Although several independent newspapers and magazines—including several opposition party journals—existed, the Government relied upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods was “depot legal,” the requirement that printers and publishers provide copies of all publications to the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies prior to distribution. However, with the abolishment of this ministry in September, use of “depot legal” reverted to the Ministry of Interior. The opposition Democratic Progressive Party (PDP) claimed that in January and August 2001 copies of its *Al-Mawqif* newspaper were removed from newsstands because they contained an article critical of the Government. Publication of the *Al-Mawqif* newspaper was delayed on several occasions. Since 1999 the Government has not permitted the Tunisian Bar Association to publish its internal bulletin. In March the Government seized opposition paper *At-Tariq Al Jadid* when editors tried to print a story critical of the constitutional reform plan.

Since 1994 the Government has refused to allow AI's local chapter to distribute textbooks on human rights written for high school students. Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and the Ministry of Interior prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly were withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally.

The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is defined clearly. The code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country.

The Government also reportedly withheld depot legal to remove from circulation books that it deemed critical of the Government. Unlike in previous year, there were no reports that the Government provided official texts on major domestic and international events and reprimanded publishers and editors who failed to publish these statements.

The Government also used indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. The Tunisian Agency for External Communications effectively censored by selectively withholding advertising funds. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles deemed offensive by the Government. For example, after Yahmed's Realities article, the Government pulled its ads from the magazine for a brief time (*see* Section 1.c.).

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government. In December journalist Hedi Yahmed was forced to resign from Realities after writing an article on prison conditions (*see* Section 1.c.).

Members of the security forces also reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended.

Several journalists from Al-Fajr, the publication associated with the outlawed an-Nahdha movement, remained in jail, serving sentences that were imposed in the early 1990s. The Government maintained that the arrests, indictments, and convictions were carried out in full accordance with the law. Visiting foreign journalists sometimes complained of being followed by security officials. In 2001 Reporters Without Borders (RSF) journalist Robert Menard was deported for disturbing the public order by distributing illegal information.

In November RSF released a study ranking countries by their level of press freedom. The country was ranked 128th out of 139 countries. At year's end, the Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN).

The Government owned and operated the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news was taken directly from the official news agency, TAP. There were several government-owned regional radio stations and two national television channels. A bilateral agreement with Italy permits citizens to receive the Italian television station RAI-UNO; since 1999 the broadcast of French television station France 2 remained suspended because of its critical coverage of the elections. Recent estimates placed the number of satellite dishes in the country at well over 200,000. The Government regulated their sale and installation. Many citizens received two satellite programs broadcast from London by members of the opposition: Al-Mustaquella and Zeitouna. The programs served as alternative sources for news and political opinion both through their satellite transmissions and Zeitouna's web site.

During the year, the Government encouraged greater use of the Internet and lowered Internet user and telephone connection fees. Journalists and students were entitled to a 25 percent reduction in Internet usage fees. In September the Government reported that there were 460,000 Internet users and 71,000 subscribers. During the year, the Government closed several public Internet stations citing complaints that minors were accessing "immoral" Web sites. Credible sources indicated some people who would otherwise subscribe have avoided doing so because of fears of government monitoring and censoring e-mail and Web site content. The Government also arrested some Web journalists. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible Web sites. However, the Government frequently blocked Web sites and on-line publications containing information critical of the Government posted by inter-

national NGOs, opposition parties, and foreign governments, including a report on Internet use in the country by Human Rights Watch. The five Internet service providers in the country remained under the control of the Tunisian Internet Agency, which regularly provided lists of subscribers to the Government. Human rights activists alleged that the agency regularly interfered with and intercepted their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (*see* Section 4).

The Government limited academic freedom. Like journalists, university professors sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the an-Nahdha movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. Professors must inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior by applying no later than 3 days in advance of the proposed event and submitting a list of participants. The authorities routinely approved such permits for groups that support government positions, but often refused permission for groups that express dissenting views. In addition to permits, registration also was used to control status and operations of NGOs.

During the year, LTDH activists continued to report government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. In October the LTDH reported disruptions to its regional elections in the southern town of Gabes and the northern town of Jendouba. Accounts of events differed but the LTDH maintained that ruling RCD party delegates objected to the voting procedures in Gabes and moved that the congress should be adjourned without completing the election. Members of the RCD threatened LTDH members with physical violence and police intervened, ultimately prohibiting the conclusion of the voting. Additionally, smaller LTDH offices reported difficulty in renting space to hold elections. Leaders maintained that hotel and hall managers have been threatened by police not to rent meeting space to them. Despite LTDH president Mokhtar Trifi's pledge to continue elections despite threats and violence, no new board was elected by year's end.

The CNLT reported that several dozen political police disrupted its plenary meeting on January 13 by surrounding the neighborhood in which they had planned to meet and preventing members from entering. Reports from a support committee for PCOT spokesman Hamma Hammami indicated that on January 20, police violently disrupted a meeting it attempted to hold at the LTDH branch in Sfax.

In February the Ministry of Interior refused to legally register the Democratic Forum for Labor and Liberties (FDTL). Since its founding in 1994, the FDTL, a center-left NGO of intellectuals, professionals, and political opposition members, has been trying to obtain legal status. In October it was recognized legally.

In February police searched the house of and arrested Salah Hamzaoui, head of a support committee for Hamma Hammami. Police warned him that opening his home to political meetings could expose him to legal/judicial proceedings. On May 22 police surrounded Hamzaoui's house when a Hammami support committee tried to meet there. Police prevented individuals from entering the house.

In August 2001, less than a week after Sihem Bensedrine's release from prison, police assaulted her and other activists outside the publishing house which Bensedrine directs.

Credible reports indicated that Lasaad Joughri, a former Islamist prisoner, remained under close police surveillance and harassment throughout the year for his political involvement. Police questioned and warned those individuals speaking to him in public. In August five plainclothes police severely beat Joughri in Tunis (*see* Section 1.c.).

In April government-sanctioned pro-Palestinian demonstrations erupted into spontaneous demonstrations mostly on university and high school campuses. Some reportedly resulted in violent confrontations between demonstrators and police, and several demonstrators were injured. For example, on April 5 police violently dispersed a nongovernment sanctioned, pro-Palestinian demonstration of approximately 300 civil society activists, lawyers, and human rights activists. Also in April, the LTDH reported that 15 students arrested during the demonstrations were mis-

treated in jail and forced to sign statements promising not to take part in demonstrations again.

Although the Constitution provides for freedom of association, the Government restricted this right by barring some political groups or parties based on religion, race, region of origin, or political orientation. On December 13, the Government banned 11 opposition and civil society groups from demonstrating against war with Iraq. Hundreds of riot police enforced the ban, though organizers indicated they had tried to coordinate the protest with authorities beforehand.

Presiding judges in trials of Islamists routinely refused to investigate claims that their confessions were extracted under torture. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (*see* Sections 1.c., 1.d., and 1.e.). Also, in some cases, several years lapsed after detention and before defendants were brought to trial.

The Government banned organizations that it claims threaten disruption of the public order and used this proscription to prosecute and harass members of the PCOT, CNLT, RAID and ban political parties.

On February 2, Hama Hammami along with two co-defendants, Abdeljabar Madouri and Samir Taamallah, came out of over 3 years in hiding to file opposing briefs to their 1999 in absentia convictions for membership in an illegal organization and spreading false information aimed at undermining the public order. The charges stemmed from their membership in PCOT. Hammami's return drew some 400 supporters, international observers, journalists, human rights activists, lawyers, and diplomats to the court. Before presenting their appeal before the judge, Hammami, Madouri and Taamallah were seized by plainclothes police, handcuffed and dragged out of court. Upon realizing that Hammami had been removed forcibly, crowds that had gathered in the courtroom stood on benches and began chanting calls for 'political freedom' before singing the national anthem. Human rights lawyers agreed that the public display of support for Hammami in court was the first open and vocal demonstration of political dissent in several years. At one point, lawyers and supporters believed Hammami was being held upstairs in the courthouse and moved up the stairs intending to free him. Amidst the confusion, court officials locked an internal hall gate, preventing much of the crowd from leaving the courthouse and others from entering. There were reports that journalists and supporters were harassed, assaulted and arrested by police. Police reportedly confiscated some journalists' camera equipment.

c. Freedom of Religion.—The Constitution provides for the free exercise of other religions that do not disturb the public order, and the Government generally observed and enforced this right; however, it did not permit political parties based on religion, prohibited proselytizing, and partially limited the religious freedom of Bahá'is. Islam is the state religion. The Constitution stipulates that the President must be a Muslim.

The Government recognized all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permitted Christian churches to operate freely, only the Catholic Church had formal recognition from the post-independence government. Since 1999 the Government has not permitted registration of a Jewish religious organization in Jerba; however, the group has been permitted to operate and it performs religious activities and charitable work unhindered.

The Government controlled and subsidized mosques and paid the salaries of prayer leaders. The President appointed the Grand Mufti of the Republic. The 1988 Law on Mosques provided that only personnel appointed by the Government may lead activities in mosques and stipulated that mosques must remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals.

The Government did not permit the establishment of political parties based on religion, prohibited recognition of the an-Nahdha party, and prosecuted suspected party members on the grounds of membership in an illegal organization (*see* Sections 1.c., 1.d., 1.e., and 2.b.). The Government maintained tight surveillance over Islamists and members of the Islamic fundamentalist community. The Government revoked the identity cards of an estimated 10,000 to 15,000 Islamists and fundamentalists, which seriously disadvantaged them (*see* Section 1.f.).

According to reliable sources, the Government has refused to issue passports to Islamists and fundamentalists. The Government forbade the wearing of the hijab (headscarves worn by traditional Muslim women) in government offices. According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques. Reliable sources report that the authorities

instructed imams to espouse government social and economic programs during prayer times in mosques.

The Government allowed the Jewish community freedom of worship and paid the salary of the Grand Rabbi. It also partially subsidized restoration and maintenance costs for some synagogues. In 1999 the Jewish community elected a new board of directors, its first since independence in 1956, but continued to await approval from the governor of Tunis. Once approval is obtained from the governor, the organization is expected to receive permanent status. At year's end, the board is still waiting for formal approval. However, the board reported no obstacles to conducting normal activities. The acting board has changed its name to the Jewish Committee of Tunisia. The Government permitted the Jewish community to operate private religious schools and allowed Jewish children on the island of Jerba to divide their academic day between secular public schools and private religious schools. The Government also encouraged Jewish expatriates to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on the island of Jerba. During the year, an international Jewish relief organization made trips to the country and reported no interference with its activities. In March a synagogue in the Tunis suburb of La Marsa was broken into and vandalized and in April a synagogue in Sfax also was vandalized. No injuries were reported and damage was minor. Both incidents were isolated, and the Government responded by increasing security at both sites.

On April 11, a terrorist attack outside the El-Ghriba synagogue killed 21 persons and severely damaged the interior of the synagogue. Approximately 2 weeks before the annual pilgrimage, the driver of a truck transporting liquid gas, Nizar Nawar, a 24-year-old citizen, detonated an explosive device while the truck stood at the synagogue compound wall, killing himself, 14 German nationals, 1 French national, and 5 other citizens. The Government initially claimed the explosion was an accident and immediately began repairing the wall and removing evidence. On April 22, after German authorities became involved in the investigation, the Government admitted that the incident was an attack. The Government provided increased security for the synagogue and encouraged pilgrims and tourists to visit El-Ghriba despite the attack.

The Government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

In general the Government did not permit Christian groups to establish new churches, and proselytizing was viewed as an act against the public order. Foreign missionary organizations and groups operate but were not permitted to proselytize in the country. Authorities deported foreigners suspected of proselytizing and did not permit them to return. There were no reported cases of official action against persons suspected of proselytizing during the year; however, in 2001 there were reports materials distributed by Christian missionaries were confiscated from local secondary students.

Islamic religious education was mandatory in public schools; however, the religious curriculum for secondary school students also included the histories of Judaism and Christianity.

Religious groups were subjected to the same restrictions on freedom of speech and the press as secular NGOs. Although Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, they claimed that the Government generally did not approve either publication or distribution of Arabic-language Christian material. Moreover, authorized distribution of religious publications was limited to existing religious communities, because the Government viewed public distribution of both religious and secular documents as a threat to the public order and hence an illegal act.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and persons were free to change their place of residence or work at will; however, in practice the Government restricted the freedom of movement and foreign travel of those critical of it.

The 1998 amendments to the passport law transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contained broad provisions that permit passport seizure on undefined national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. By law the Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor to the courts; however, the Ministry of Interior routinely bypassed the Public Prosecutor to withhold passports from citizens. Credible reports indicated that the Public Prosecutor always deferred to the Ministry of Interior on such requests.

The Government arbitrarily withheld passports from citizens. According to reliable sources, the Government withheld many passports of members of the human rights community, including human rights lawyer Nejib Hosni, and PCOT student Nourredine Ben N'tiche, as well as many members of the Islamist community. According to credible sources, some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return (*see* Section 1.d.). According to reliable sources, the Government reportedly confiscated the passports of a small number of Christian converts. Abdallah Zouari, a journalist, who in June was released after serving an 11-year sentence for his association with an-Nahdha, in August was rearrested and sentenced to 8 months in prison for failing to abide by the Ministry of Interior's exile provision in his order of administrative control. Zouari, who is from Tunis, was ordered to live in Zarzis (300 miles south of the capital) (*see* Section 1.d.).

In January the Government prevented Mokhtar Yahiaoui, removed from the judicial bench in 2001 for speaking out against government interference in the judiciary, from traveling to Paris, to Geneva in April, and to Athens in June. Border police initially indicated that the reason for preventing his departure was due to the incorrect listing of judge as Yahiaoui's profession in his passport.

Hedi Bejaoui, another member of an-Nahdha, under administrative control since 1990, has been unable to travel for medical treatment due to the Government's seizure of his passport (*see* Section 1.d.).

On November 23, the Government again denied Sadri Khiari the right to travel to France to defend his dissertation. A support committee called Article 13, after the "freedom of movement" section of the Universal Declaration of Human Rights, was established in support of Khiari and others who were denied their right to travel.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It also expressly prohibits the extradition of political refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 102 individuals during the year. During the year, the UNHCR processed 38 applications for asylum. The Government provided first asylum for refugees based on UNHCR recommendations. There was no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution.

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

The Constitution provides that the citizenry shall elect the President and members of the legislature for 5-year terms; however, there were significant limitations on citizens' right to change their government. In 1999 President Ben Ali was reelected for a third 5-year term in the country's first multi-party presidential elections. Official government results stated that Ben Ali won with 99.44 percent of the vote. The ruling RCD party's domination of state institutions and political activity precludes credible and competitive electoral challenges from unsanctioned actors. In February government proposed constitutional amendments were put forward in a program titled 'The Republic of Tomorrow,' which called for amending 38 of the Constitution's 76 articles. In a February 27 speech to the Chamber of Deputies, President Ben Ali said his aim was to "entrench the spirit of democracy and the multiparty system." As prescribed by the Constitution, President Ben Ali sought the input of the Constitutional Council and the Chamber of Deputies, and organized the national campaign for the first-ever referendum on May 26. While the process of proposing and passing the amendments technically followed the law, many observers viewed the amendments as an attempt to enable President Ben Ali to remain in office past his third 5-year term, conceivably until he reached the age of 75 in 2014.

On May 26, a national referendum, despite serious procedural questions, including the secrecy of the vote, passed with an officially reported 99.52 percent of the vote. A presidentially appointed election monitoring group presented a confidential report to the President regarding the election process, which reportedly substantiated numerous irregularities alleged by opposition parties.

The most substantive changes involved the six following articles of the Constitution: Article 15 originally tasked citizens with the responsibility for national defense. The amended version broadened this responsibility to include protection of the country's "independence, sovereignty, and integrity." Human rights activists believed that the new wording may be used to prosecute activists who criticize the regime abroad. Article 19 established a Chamber of Councilors as a second legislative chamber. The chamber would comprise 1-2 members elected from each governorate

(based on population), a second group of members chosen by the president from professional organizations and a third group appointed by the President from among national public figures. Article 39, originally limiting the president to three terms, was abolished. Changes to Article 40 raised the upper age limit of presidential candidates to 75. Article 41 granted the president judicial immunity upon leaving office for acts he undertook in the exercise of his duties. Lastly, Article 57 granted the Constitutional Council responsibility for determining if the president is unfit to govern and mandates that the President of the Chamber of Deputies is next in the line of succession to hold the presidency for between 45 and 60 days until new elections can be held.

The RCD party and its direct predecessor parties have controlled the political arena since independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appointed the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic also is the president of the party, and the party's secretary general holds the rank of minister.

Narrowly written criteria in the Electoral Code greatly restrict the eligibility of persons to run for president. A candidate must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it served as an arena in which the executive's legislative proposals are debated prior to virtually automatic approval. Debate within the Chamber is often lively and government ministers are summoned to respond to deputies' questions, although heated exchanges critical of government policy were not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals; the Chamber does occasionally modify the proposed legislation. The new chamber will serve as an upper house and will function largely with similar duties of the Chamber of Deputies. It will have law-making authority.

The Electoral Code reserves 20 percent of the seats for the officially recognized, or legal, opposition parties distributed on a proportional basis to those parties that did not win directly elected district seats. For the 1999 elections, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$42,000 (60,000 dinars), plus an additional payment of \$3,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Moreover, with funding based on the number of seats in Parliament, the opposition parties had no interest in forming coalitions against the RCD, but concentrated instead on competing with each other for the largest possible share of the 20 percent of seats reserved for the opposition. During the elections, opposition parties found independent fundraising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers. However, in 2001 the President announced a 50 percent increase in allowances given by the Government to opposition newspapers. Each opposition newspaper received \$105,000 (150,000 dinars) annually. The Government did not permit the establishment of political parties on the basis of religion and uses the prohibition to refuse recognition of the an-Nahdha party and to prosecute suspected members on the grounds of membership in an illegal organization (*see* Sections 2.b. and 2.c.). On October 25, the Democratic Forum for Labor and Liberties (FTDL) was legalized, 8 years after first applying for recognition.

During the 4 month long campaign for the constitutional referendum, the Government gave opposition parties rare television time to present their positions.

Twenty-one of the 182 Deputies elected were women, up from 13 of 163 deputies in the previous Chamber. There were six women in the Cabinet. Fourteen women held the position of deputy governor within the 24 governorates. Three women served as president of chambers on the 22-member Court of Cassation, which is the highest court of appeal.

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

The LTDH is the most active independent advocacy organization, with 41 branches throughout the country. The organization receives and researches complaints and protests individual and systemic abuses. During the year, LTDH members and other human rights activists reported government beatings, harassment, interrogations, property loss or damage, unauthorized home entry, and denial of passports.

In September a delegation of Dutch lawyers were denied entry into the country to protest the lack of an independent judiciary and support for the Tunisian Bar

Association. On October 26, the Government refused entry to a delegation from the International Commission of Jurists (ICJ).

In February Khemais Ksila was sentenced in absentia to 10 years in prison and fined \$3,600 (TD 5,000) for attempted rape. Observers believed that the case received a disproportionate amount of press coverage throughout the latter half of 2001, aimed at discrediting Ksila before he had the opportunity to present evidence on his behalf. In 2001 LTDH vice president Souhayr Belhassen was criticized heavily in the press for her work on a human rights commission investigating abuses in Iraq. The report had not been released by year's end.

There were numerous additional reports during the year of police attacking human rights activists, journalists, and others critical of the Government (*see* Sections 1.c., 2.a., and 2.b.). During the year, LTDH activists continued to report government harassment, interrogation, and property loss or damage. In previous years, the LTDH had reported unauthorized home entries and denial of passports. During the year, the LTDH reported that some of its regional elections were disrupted by RCD activists. By year's end, incomplete regional results precluded national elections from taking place (*see* Section 2.b.).

Since 1998 the Government has refused to authorize CNLT registration as an NGO. The court has not yet acted on the 1999 administrative appeal filed by the CNLT's founders. CNLT issued statements criticizing government human rights practices. Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. Some CNLT members still are unable to obtain passports (*see* Sections 1.f. and 2.d.).

In March the European Parliament adopted a resolution condemning human rights violations in Tunisia and calling for the release of Hama Hammami and his co-defendants (*see* Section 2.b.).

Citing no guarantees of a fair trial and the threat of mistreatment, members of the European Parliament and international human rights NGOs objected to the Government's December request for extradition from France of dissident Khemais Toumi. Toumi had been convicted in absentia in 1997 and sentenced to 5 years in prison. On December 6, he was arrested in France and his extradition remained pending at year's end.

International observers were permitted to monitor trials, and they reported that the Government generally permitted them to conduct such monitoring (*see* Section 1.e.).

The Government reportedly blocked access to the Internet Web sites of most human rights organizations (*see* Section 2.a.). Human rights activists and lawyers complained of frequent interruptions of postal and telephone services (*see* Section 1.f.).

AI continued to maintain a local chapter though members complained that the office suffered repeated loss of telephone and fax service. Persons who were considering joining the chapter reported that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance and that there was interference with their mail. In 2001 police assaulted and detained two foreign delegates from AI (*see* Section 1.d.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, addressed and sometimes resolved human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. In September the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies was replaced by a new Ministry of Justice and Human Rights under Minister of Justice Bechir Tekkari and former university professor Hatem Ben Salem was appointed General Coordinator for Human Rights in the new ministry (*see* Section 2.a.). In 2001 the Government announced the establishment of a documentation center for human rights; however, at year's end, there was no indication that it was operating.

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

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law, and the Government generally respected these rights in practice. Legal discrimination was not pervasive, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a.

Women.—Violence against women occurs, but there are no comprehensive statistics to measure its extent. In 2000, according to a family court judge, women file approximately 4,000 complaints of domestic violence each year, but later drop approximately half of those complaints. There have been no recent estimates as to the number of these complaints. The Tunisian Democratic Women's Association operates

a counseling center for women who are victims of domestic violence. The center assists approximately 20 women per month. The National Union of Tunisian Women (UNFT) is a government-sponsored organization that runs centers to assist women and children in difficulty. Instances of rape or assault by someone unknown to the victim are rare. Police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spousal abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

Rape is specifically prohibited by the Penal Code. There is no legal exception to this law for spousal rape, but in part due to social stigma there were no reports of spousal rape being prosecuted.

Prostitution is prohibited by the Penal Code specifically, but charges against individuals are rare. There have been no reported cases of trafficking, forced prostitution, or sex tourism.

Women enjoyed substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property-ownership practices and support to divorced women. Either the mother or father may convey citizenship to a child.

Muslim women were not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad were considered common-law, which are prohibited and thus void when the couple returns to the country. Non-Muslim women who marry Muslim men were not permitted to inherit from their husbands, nor may the husbands and any children (who are considered to be Muslim) from the marriage inherit from the non-Muslim wife. Some Christian converts reported difficulty in having their civil marriages recognized.

Most property acquired during marriage, including property acquired solely by the wife, still is held in the name of the husband. Inheritance law, based on Shari'a and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as private sector employment.

Sexual harassment is prohibited specifically by the Penal Code.

Women comprised approximately 29 percent of the work force. There are an estimated 5,000 businesses headed by women, which is an increase from 3,900 in 2000. Women served in high levels of the Government as cabinet ministers or secretaries of state; there currently are six women who hold these positions. Women constituted 37 percent of the civil service and 24 percent of the nation's total jurists. Women held 14 deputy governorships in the country's 24 governorates (or administrative regions). Approximately 51 percent of university students enrolled in the 2000–2001 academic year were women.

The law explicitly requires equal pay for equal work. Although there are no statistics comparing the average earnings of men and women, generally women and men performing the same work are believed to be paid the same wages.

While the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls compared with less than 7 percent of rural boys.

Several NGOs focused, in whole or in part, on women's advocacy, or research women's issues, and a number of attorneys represent women in domestic cases.

There is a separate Ministry for Women's Affairs, Family and Childhood, with a relatively large budget nearly 3 percent of the total budget of \$2 million (3 million dinars) supporting its mission to ensure the legal rights and improve the socio-economic status of women. The Government supported and funded the (UNFT), women's professional associations, and the Government's Women's Research Center.

Children.—The Government demonstrated a strong commitment to free and universal public education, which is compulsory until age 16. Approximately 80 percent of boys attend until that age in urban areas and 60 percent of boys and girls in rural areas. Primary school enrollment for the scholastic year was slightly less than the preceding year's, reflecting a decline in the birth rate; secondary school enrollment showed an increase of 8 percent, which appeared equally divided between boys and girls. The Government reported that 99.1 percent of children attend primary school full-time. The Government sponsored an immunization program targeting preschool-age children, and reported that more than 95 percent of children are vaccinated.

Penalties for convictions for abandonment and assault on minors are severe. There was no societal pattern of abuse of children. Following the September cabinet reshuffle, there were two ministries responsible for rights of children. The Ministry of Women's Affairs, Family and Childhood and the Ministry of Culture, Youth and

Leisure. Each have secretaries of state responsible for guaranteeing the rights of children. In April the Chamber of Deputies adopted a law to complete the Code for the Protection of Children creating a 'Parliament of the Child' to teach children civic responsibility.

There were no reports of child prostitution.

Persons with Disabilities.—The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for persons with disabilities. All public buildings constructed since 1991 must be accessible to persons with physical disabilities. Many cities, including the capital, began installing wheelchair access ramps on city sidewalks. The Government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities.

The law includes provisions prohibiting discrimination against persons with mental disabilities. Several active NGOs provide educational, vocational, and recreational assistance to children and young adults with mental disabilities. Some were funded by the Government and international organizations.

Indigenous Persons.—The Government estimated that the small Amazigh (Berber) minority constitutes less than 3 percent of the population. Some older Amazighs have retained their native language, but the younger generation has been assimilated into local culture through schooling and marriage. Amazighs were free to participate in politics and to express themselves culturally.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide the right of workers to organize and form unions. The Government generally respected this right. The Tunisian General Federation of Labor (UGTT) is the country's only labor federation. Approximately 15 percent of the 3.3 million person work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions legally are independent of the Government and the ruling party, but operate under regulations that restrict their freedom of action. The UGTT's membership included persons associated with all political tendencies, although Islamists have been removed from union offices. There were credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with some independence on local issues, the central UGTT leadership generally cooperated with the Government regarding its economic reform program. Throughout the year the UGTT board showed some independence regarding economic and social issues and to support greater democracy.

The law prohibited antiunion discrimination by employers. However, the UGTT claims that there is antiunion activity among private sector employers, especially firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs and Solidarity, and including a labor representative and an employers' association representative, approves all worker dismissals.

Unions were free to associate with international bodies. The UGTT is a member of the International Confederation of Free Trade Unions (ICFTU), Confederation of Arab Trade Unions, and Confederation of African Trade Unions; many individual unions are affiliated with relevant international sectoral confederations.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector workforce. Each agreement was negotiated by representatives of unions and employers in the area the agreement encompasses. The Government's role in the private sector negotiations was minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve (but may not modify) the agreements. Once approved the agreements set standards for all employees, both union

and nonunion, in the areas that they cover. The UGTT also negotiated wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner in such negotiations. In October the Government completed a series of triennial labor negotiations with the UGTT and UTICA (the private sector's employer's association). Negotiations were protracted and complex but resulted in a compromise of a 5 percent wage hike across most sectors. The agreements signed in 2000 provided for annual wage increases ranging from four to six percent.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days advance notice to the UGTT and it approves of the strike. The ICFIU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. However, such advance approval rarely was sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were reported objectively in the press. The law prohibited retribution against strikers.

Labor disputes were settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

There were export-processing zones (EPZs) in the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor by children, and the Government generally enforced this prohibition effectively; however, some families of teenage girls placed them as household domestics to collect their wages (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. The minimum age for light work in the non-industrial and agricultural sectors is 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in nonagricultural sectors may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. The minimum age for hazardous or manual labor is 18. Inspectors of the Ministry of Social Affairs and Solidarity examined the records of employees to verify that employers comply with the minimum age law. There were no reports of sanctions against employers. Nonetheless, young children often performed agricultural work in rural areas and worked as vendors in urban areas, primarily during the summer vacation from school.

Observers have expressed concern that child labor continued to exist, disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. There were no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice in 2000 concluded that hiring of underage girls as household domestics has declined with increased government enforcement of school attendance and minimum work age laws. The law prohibits forced and bonded child labor, and the Government generally enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs and Solidarity, Development and International Cooperation, and Finance, in consultation with the UGTT and the Employers' Association. The President approved the commission's recommendations. In June the industrial minimum wage was raised to \$147.43 (200.5 dinars) per month for a 48-hour workweek and to \$129.34 (175.9 dinars) per month for a 40-hour workweek. The agricultural minimum wage is \$4.45 (6.059 dinars) per day. When supplemented by transportation and family allowances, the minimum wage provides for a decent standard of living for a worker and family, but covering only essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Regional labor inspectors are responsible for enforcing wage and hour standards. They inspect most firms about once every 2 years. However, the Government often encountered difficulty in enforcing the minimum wage law, particularly in non-unionized sectors of the economy. Moreover, more than 240,000 workers were employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs and Solidarity has responsibility for enforcing health and safety standards in the workplace. There were special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are

export oriented than in those producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

The few foreign workers have the same protections as citizen workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, it does prohibit slavery and bonded labor. Trafficking in persons generally was not a problem; however, in June eleven people drowned off the north coast near Kelibia (55 miles northeast of Tunis) trying to swim to a boat smuggling people to Italy. Police arrested 70 persons who had boarded the ship, the captain, and several of the organizers of the smuggling ring. Defendants claimed they had paid up to \$710 (970 dinars) each to a smuggling network to cross the Mediterranean to Italy. In July five defendants accused of organizing the smuggling ring were convicted and sentenced to 6 years in prison each. The 70 who attempted to immigrate illegally were fined \$150 (205 dinars) each.

In September the bodies of 10 illegal immigrants washed ashore in Sicily. Fifty more immigrants were rescued from the sea after being thrown overboard by their smugglers. The Italian Navy arrested the 27-year-old citizen captain of the boat. All on board were local nationals.

In October the Government hosted a ministerial conference on migration throughout the western Mediterranean. The conference included ministers from Algeria, Spain, France, Italy, Libya, Malta, Morocco, Mauritania, and Portugal and resulted in the "Tunis Declaration," aimed at combating illegal migration.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven emirates established in 1971. None has any democratically elected institutions or political parties. Traditional rule in the emirates generally has been patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders. There are no general elections, but citizens may express their concerns directly to their leaders through traditional mechanisms, such as the open majlis, or council. In accordance with the 1971 Constitution, the seven emirate rulers constitute a Federal Supreme Council, the highest legislative and executive body. The Council selects a President and Vice President from its membership; the President in turn appoints the Prime Minister and Cabinet. In December 2001, the Council reelected Shaikh Zayed bin Sultan al-Nahyan as head of the state for 5 years. The Constitution requires the Council to meet annually, although individual leaders met frequently in more traditional settings. The Cabinet manages the Federation on a day-to-day basis. A consultative body, the Federal National Council (FNC), consisting of 40 advisors appointed for 2-year terms by the emirate rulers, reviews proposed legislation, discusses the annual budget, and may question federal government ministers in open sessions. Each emirate retains control over its own oil and mineral wealth, some aspects of internal security, and some regulation of internal and external commerce. The federal government asserts primacy in matters of foreign and defense policy, some aspects of internal security, and increasingly in matters of law and the supply of some government services. The judiciary generally was independent, but its decisions were subject to review by the political leadership.

Each emirate maintained its own independent police force. While all emirate internal security organs theoretically were branches of one federal organization, in practice they operate with considerable independence. There were no reports that security forces committed human rights abuses.

The country has a free market economy based on oil and gas production, trade, and light manufacturing. The local government in each emirate owns the petroleum production enterprise in that emirate. Most of the country's petroleum resources were located in Abu Dhabi, the largest emirate by area. The Emirate of Dubai was likewise an oil producer, as well as a growing financial, commercial, and tourism center in the region. The remaining five emirates had negligible resources and therefore depended in varying degrees on federal government subsidies. The economy provided citizens with a high per capita income, but it was heavily dependent on foreign skilled and unskilled workers. The expatriate population amounted to more than 80 percent of the estimated 3.9 million population in the country.

The Government generally respected its citizens' rights in some areas; however, its record was poor in other areas. Citizens did not have the right to change their government. The Government restricted the freedoms of speech and of the press. The press continued to avoid direct criticism of the Government and exercised self-

ensorship. The Government restricted the freedoms of assembly and association, and imposed some restrictions on freedom of religion. The Government restricted the rights of workers, some of whom were not protected by labor laws. There were no labor unions. There were reports of poor working conditions, failure to pay wages, and abuse of foreign domestic servants in an economy in which 98 percent of the private sector workforce was foreign. The Ministry of Labor and Social Affairs intensified the inspection of establishments to ensure compliance with the labor laws and ferret out violators. Trafficking in women and children continued to be a problem. Beginning September 1, the Government implemented and enforced a ban against the use of juvenile camel jockeys, a number of whom were trafficked to the country from South Asia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents during the year. There were no developments in the case of Libyan national Abdullah Abu al Ghazali, who died while in security force custody in September 2001. According to Amnesty International (AI), al-Ghazali's wife was informed that her husband had committed suicide while in detention. At year's end, there was no new information on the investigation of this case.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and there were no reports that government officials employed it.

Shari'a (Islamic law) courts (except in Dubai) frequently imposed flogging on Muslims found guilty of adultery, prostitution, and drug or alcohol abuse. In practice flogging was administered in accordance with Shari'a to prevent major or permanent injuries. Convictions in the Shari'a courts did not necessarily require the imposition of Shari'a penalties on non-Muslims, but such sentences were carried out in a few cases. According to AI, in 2001, at least 18 flogging sentences were passed in cases of adultery.

Prison conditions reportedly were mixed, depending on the location. Dubai and Abu Dhabi prison conditions generally met international standards; however, rural prison conditions at times were inadequate. Men and women were housed separately. Pretrial detainees were kept separately from convicted criminals until the trial begins. Juveniles were housed separately from adults.

There was no independent monitoring of prison conditions. There was no information that the International Committee of the Red Cross (ICRC) requested or was denied access to prisons for independent monitoring.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, search, detention, or imprisonment. The law permits incommunicado detention; in the past, the Government generally used it in allegedly sensitive criminal cases in which the police claimed that communication between the accused and a third party could jeopardize their investigation. In such cases, no one was notified that the person had been arrested and was being held, which could amount to forced disappearance.

The law prohibits arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Public Prosecutor, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Public Prosecutor may order that detainees be held for 7 days with the discretion to extend detention for another 14 days. For additional detention without charge in cases of felonies or misdemeanors punishable by imprisonment, the authorities must obtain a court order. A court-ordered extension may not exceed an additional 30 days of detention without charge and is granted only upon a showing by the authorities of sufficient evidence that the defendant committed the offense.

The country was a signatory to the Vienna Convention. However, at times some foreign diplomats complained that the authorities did not notify them when their citizens were detained or arrested, and that they only discovered the detention or arrest by word of mouth, by periodic prison visits, or because of an inquiry from the citizen's family as to the citizen's whereabouts.

In concert with other governments, there were arrests and detention in 2001 of numerous individuals suspected of ties to extremist groups. Most of them were released.

The Federal Constitution provides accused persons the right to a speedy trial. This right most often is invoked in civil cases, with civil defendants at times demanding same-day disposition of the cases filed against them. Authorities generally brought criminal defendants to trial in a reasonable time, with the exception of drug-related cases. In drug-related cases, the authorities were required to inform the office of the ruler for the emirate in which the offense was committed of the charges.

Trials could last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. Rape cases sometimes took more than 1 year to get to trial. There was no formal system of bail, but the authorities temporarily could release detainees who deposited money, an important document such as a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on regular charges were generally allowed to telephone third parties while in detention.

Defendants in cases involving loss of life, including involuntary manslaughter, could be denied release in accordance with the law. However, bail usually was permitted after a payment of compensation, which was a form of financial penalty imposed on defendants in criminal cases involving a killing.

Review of criminal cases by the local ruler's diwan and bureaucratic delays in processing prisoners or releasing them at times could result in detainees serving additional, unnecessary time in the central prisons.

The rulers of the various emirates regularly pardoned prisoners on religious and national holidays. Those pardoned generally were serving sentences from 3 to 5 years for financial crimes, immigration violations, and other minor offenses; pardons reportedly were not extended to prisoners convicted of murder, rape, and kidnaping. Most of the pardoned foreign nationals were to be deported, while those jailed for financial crimes were to be given a grace period to settle amounts still owed.

The Constitution prohibits forced exile, and it was not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, its decisions were subject to review by the political leadership.

Most judges were noncitizen Arabs, whose mandate was subject to periodic renewal by the Government. The percentage of citizens serving as public prosecutors and judges, particularly at the federal level, continued to grow.

There is a dual system of Shari'a (Islamic) courts for criminal and family law matters and secular courts for civil law matters. The civil courts generally were part of the federal system, except in the Dubai and Ras Al-Khaimah Emirates, and were answerable to the Federal Supreme Court located in Abu Dhabi, which had the power of judicial review as well as original jurisdiction in disputes between emirates or between the federal government and individual emirates. The Emirates of Dubai and Ras Al-Khaimah had their own local and appellate courts, which had jurisdiction over matters within their territory that the Constitution or federal legislation did not specifically reserve to the federal system. The Emirates of Dubai and Ras Al-Khaimah did not refer cases in their courts to the Federal Supreme Court located in Abu Dhabi for judicial review, although they maintained a liaison with the federal Ministry of Justice, Islamic Affairs, and Awqaf.

Each emirate administered Shari'a courts. In some emirates, in addition to family matters, these courts considered all types of civil and commercial cases as well as serious criminal cases. They acted in accordance with traditional Islamic law and practice, but also were required to answer to the Federal Supreme Court. Dubai had a special Shi'a council to act on matters pertaining to Shi'a family law (*see* Section 5).

Legal counsel may represent defendants in both court systems. Under the Criminal Procedures Code, the accused has a right to government-provided counsel in all cases involving a capital crime or possible life imprisonment regardless of whether the defendant is financially able to hire counsel. The Government provides counsel to indigent defendants charged with felonies punishable by "provisional imprisonment" or imprisonment of 3–15 years.

The right to legal counsel was interpreted to provide that the accused was entitled to an attorney only after the police had completed their investigation. Thus, police could question accused persons sometimes for days or weeks, as in narcotics cases, without benefit of legal counsel.

Defendants are presumed innocent until proven guilty. There were no jury trials. The number of judges sitting for a case depended on the type of crime alleged. Generally three judges sat for felony criminal cases and one judge sat in all other cases. All trials were public, except for national security cases and those deemed by the judge likely to harm public morality.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense was committed or to the President of the Federation. Non-Muslims who are tried for criminal offenses in Shari'a courts could receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims could be overturned or modified by a higher court.

In cases in which a defendant is acquitted of a crime, the prosecutor may appeal the acquittal to a higher court. If the case is appealed, the higher court reviews the case and may receive more and new evidence. If convinced of the defendant's guilt, the appellate court may set aside the lower court's verdict of not guilty and enter a verdict of guilty with an order that the defendant pay compensation. The appellate standard for overturning an acquittal is reportedly "without the slightest doubt of guilt."

In cases in which a defendant is sentenced to death, the sentence may be reduced to a term of imprisonment if the victim or victim's family provides a statement to the court forgiving the defendant. This waiver by the victim or victim's family was sometimes made in exchange for "diya," a financial payment from the defendant. The term of imprisonment in criminal cases was not related to the defendant's payment of compensation to the victim or victim's family.

The local rulers' diwans, following traditional prerogatives, maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to the prosecutor's office. However, this practice was not as prevalent during the year, and such cases usually were referred directly to the prosecutor's office. The diwans may review sentences passed by judges and reserve the right to return cases to the courts on appeal. The diwans' involvement, which typically occurred when the case involved parties from two different emirates or a citizen and a noncitizen, could lead to long delays prior to and following the judicial process, causing some prisoners to remain in prison after they had completed their sentences. Unlike in the past, there were no reports of intervention by other emirates' rulers in specific cases of personal interest.

The military has its own court system based on western military judicial practice. Military tribunals try only military personnel. There was no separate national security court system. Convicted criminals may request a pardon at any time, except if convicted of serious offenses such as murder.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Only police officers and public prosecutors carrying a warrant were permitted entry into homes. If the authorities entered a home without a warrant, their actions were considered illegal, and the evidence obtained thereby was suppressible. Officers' actions in searching premises were subject to review, and officers were subject to disciplinary action if they acted irresponsibly. Local custom and practice place a high value on privacy, and entry into private homes without the owner's permission was rare. A female police officer was required to be present during the search of a private home when male family members were absent. There was no known surveillance of private correspondence, although there have been cases of incoming international mail being censored.

Family matters for Muslims are governed by Shari'a law and the local Shari'a courts. As such, Muslim women are forbidden to marry non-Muslims. However, in addition to marrying Muslim women, Muslim men are free to marry women "of the book," that is Christian or Jewish women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government restricted this right in practice. Freedom of the press was restricted.

The law specifically prohibits criticism of the Government, ruling families, and friendly governments that threaten social stability under penalty of imprisonment. However, the law was rarely enforced because journalists practiced self-censorship, and there were no such cases reported during the year.

The country's three English-language newspapers were privately owned, as were three of its six Arabic-language newspapers; however, all privately owned newspapers received government subsidies. Newspapers often relied on news agencies for reporting and news. The Government-owned Emirates News Agency regularly provided all newspapers with themes for editorials and with articles regarding domestic and international issues, which then usually were printed verbatim.

By law the Ministry of Information must license all publications. The Ministry also approves the appointment of editors. The law governs content and contains a

list of proscribed subjects. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive.

Journalists engaged in critical investigative reporting on government policy, the ruling families, national security, religion, and relations with neighboring states only if given at least implied permission to report on such matters. During the year, there were no such articles that received widespread attention.

In September 2000, the Government banned 10 prominent citizens, including 4 university professors, from publishing opinion pieces in the country's Arabic and English language press and from giving local television interviews. In April 2001, in response to inquiries by the FNC, the Minister of Information stated that no written ban existed. Reports indicated, however, that a "de facto" ban promoted by the Government continued to exist, prohibiting those banned from writing articles or granting interviews, despite remarks by government officials to the contrary.

Emirates Media, which published Al-Ittihad newspaper and owned Abu Dhabi's radio and television stations, forbade all its employees, including journalists, from speaking with representatives of foreign diplomatic missions without prior approval, although the rule was not enforced in practice.

A press club in Dubai provided facilities for the international press, including access to information, and served as a site for discussions between political figures and journalists. While self-censorship conditions what was reported, foreign journalists and news organizations, including Reuters and CNN operating out of Dubai Media City, part of the Dubai Technology, Electronic Commerce and Media Zone (TECOM), reported that they experienced little to few or no restrictions on the content of print and broadcast material produced for use outside the country.

In January the Dubai Press Club invited 18 international press clubs to form the International Association of Press Clubs, of which Dubai would be the permanent secretariat.

All television and radio stations were government-owned and conformed to government reporting guidelines; however, these unpublished guidelines were not always applied consistently. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. The main pan-Arab dailies were not censored and were distributed on the same day of publication. Censors at the Ministry of Information and Culture reviewed imported newspapers, magazines, periodicals, books, films, and videos; they banned or censored before distribution any material considered pornographic, violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the Government or the ruling families.

According to a press report, local access to the Internet, which was open to public use with an estimated 1 million users, was through a state-owned monopoly. However, the public was reportedly increasingly in favor of ending this monopoly and opening the market to more companies. A proxy server blocked material regarded as pornographic or as promoting radical Islamic ideologies and antigovernment sites. In most cases, the proxy server did not appear to block news services, political expression unrelated to radical Islam, or material originating from specific countries. The Internet monopoly solicited suggestions from users regarding "objectionable" sites, and at times the Government responded by briefly blocking some politically oriented sites, which were, after an apparent review, later unblocked. The monopoly also blocked commercial "voice-chat" sites on the Internet.

The ban on criticism of the Government also restricts academic freedom. Academic materials destined for schools in the country were subject to censorship. For example, male and female students were banned from reading texts in which the human body was pictured or sexuality was featured (see Section 5). In February the Ministry of Education and Youth listed 26 books prohibited in schools (although such books were widely available in bookstores), and obligated private schools to comply with the Ministry of Education and Youth's censorship rules regarding curricula and textbooks.

There were no specific cases reported regarding restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricted freedom of peaceful assembly. Organized public gatherings required a government permit, which rarely was granted. In practice, however, the Government rarely interfered with informal gatherings held without a government permit in public places unless complaints were made.

There were a number of organized gatherings of workers before the Ministry of Labor & Social Affairs complaining of unpaid wages. There also were a number of peaceful marches and rallies conducted in support of the Palestinian cause.

Each emirate determined its own practice on public gatherings.

Citizens normally confined their political discussions to the numerous gatherings or majlises, which were held in private homes. There were a multitude of associa-

tions organized for economic, religious, labor, social, cultural, sports, and other purposes.

The Government does not permit freedom of association without prior permission; however most types of associations were allowed without prior permission.

Unauthorized political organizations are prohibited. There were no political parties, independent human rights groups, or trade unions (*see* Sections 3, 4, and 6.a.).

All nongovernmental organizations (NGOs) must be registered with the Ministry of Labor and Social Affairs; however, a number of unregistered local NGOs operated in the country. NGOs in the country focused on a multitude of issues, including women's issues, the environment, natural history and archaeology. The Jurists Association's Human Rights Committee focused on local and regional human rights issues. The percentage of citizen membership in NGOs varied widely. Also, all private associations, including children's clubs, charitable groups, and hobby associations, must be approved and licensed by local authorities, although this requirement was enforced loosely in some emirates. NGOs registered or licensed with the Government reportedly received funds or subsidies from the Government according to the size of their membership.

Private associations must follow the Government's censorship guidelines if they publish any material.

c. Freedom of Religion.—The Federal Constitution designates Islam as the official religion, and Islam is also the official religion of all seven of the individual emirates of the federal union. The Federal Constitution provides for the freedom to exercise religious worship in accordance with established customs, provided that it does not conflict with public policy or violate public morals. The Government generally respected this right in practice; however, the Government controlled virtually all Sunni mosques and prohibited proselytizing by non-Muslims.

Virtually all Sunni mosques were government funded or subsidized; about 5 percent of Sunni mosques were entirely private, and several large mosques had large private endowments. The federal Ministries of Justice and Islamic Affairs and Awqaf distributed weekly guidance to both Sunni imams and Shi'a shaijhs regarding subject matter, themes, and content of religious sermons, and ensured that clergy did not deviate frequently or significantly from approved topics in their sermons. All Sunni imams were employees of either the Federal Ministry of Justice, Islamic Affairs and Awqaf, or individual emirate departments. The Emirate of Dubai's Department of Islamic Affairs and Endowments controlled the appointment of preachers in that Emirate's private mosques, as well as the conduct of their work.

The Shi'a minority, which was concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and receive no funds from the Government. The Government did not appoint shaijhs for Shi'a mosques. Shi'a Muslims in Dubai could pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Considerable local autonomy in religious matters resided in the individual emirates. There did not appear to be a formalized method of granting official status to religious groups. Rather, the ruling families could grant access to land and permission to build a church thereon. Since not all religious groups had land use grants with churches built there, several unrelated Christian congregations were required to share common facilities. Even so, because Islam considers Christianity one of the three monotheistic religions, facilities for Christian congregations were far greater in number and size than those for non-Christian and non-Muslim groups, despite the fact that Christians represented less than a quarter of non-Muslim foreigners.

Some non-Muslims were permitted to practice their religion freely in religious compounds built on land grants from the local rulers. In such cases, a religious group leader requested from the local ruler a grant of land (title to which remained with the ruler) with permission to build a house of worship there. Religious groups without land grants and churches built on it were limited in their ability to assemble for worship and to conduct business, but were allowed to worship on the compounds of other religious groups if permitted by such religious groups to do so. Discreet, off-compound private and public gatherings were not targeted or disrupted by the police or other security forces.

The Government followed a policy of tolerance towards non-Muslim religions and in practice, interfered very little in the religious activities of non-Muslims. Apparent differences in the treatment of Muslim and non-Muslim groups often had their origin in the dichotomy between citizens and noncitizens rather than religious difference.

The conversion of Muslims to other religions was regarded with extreme antipathy. Therefore, although non-Muslims in the country were free to practice their religion, they were not allowed to proselytize publicly or distribute religious literature under penalty of criminal prosecution and imprisonment. While there was no law

against missionary activities, in the past, authorities threatened to revoke the residence permits of persons suspected of such activities; however, no such permits were revoked during the year. Although the Government did not permit foreign missionaries to proselytize, they have performed nontraditional humanitarian missionary work since before the country's independence in 1971. An International Bible Society representative in Al-Ain distributed bibles and other religious material to Christian religious groups countrywide. Authorities did not deny permission to Christians who attempted to distribute religious material to remain in the country.

On November 12, two members of the CID arrested a Filipino pastor for distributing religious materials at a public shopping mall in violation of the prohibition against proselytizing. He was detained until December 17 before being released on informal bail and provided his passport to the authorities as security for his release. He was not charged formally by year's end; however, his movements in the country have not been restricted, and he reportedly has preached to various evangelical congregations throughout the country since his release.

In March 2001, Dubai police arrested four visiting noncitizens for violating laws barring non-Muslims from proselytizing because they distributed Christian religious materials, including videos and CD-ROMS, on a public street. One of those arrested was detained for less than a week. The accused persons deposited their passports as security to guarantee their appearance in court. They were able to move freely about Dubai but not permitted to leave the city. The charges against the noncitizens were dropped in April 2001 and they left the country the following day.

Although immigration authorities routinely asked foreigners to declare their religious affiliation, the Government did not collect or analyze this information, and religious affiliation was not a factor in the issuance or renewal of visas or residence permits. In 2001 Abu Dhabi inquired about religious affiliation in its first municipality-wide census as part of a demographic analysis.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement or relocation within the country. Except for security areas such as defense and oil installations, the Government generally respected these rights in practice.

Unrestricted foreign travel and emigration are permitted to male citizens, except those involved in legal disputes under adjudication. Custom dictated that a husband could bar his wife, minor male and female children, and adult unmarried daughters from leaving the country, which he usually accomplished by taking custody of their passports (*see* Section 5). However, there was no enforcement of this custom at exit points unless there was a court order that barred an individual from traveling. All citizens have the right to return.

There was a small population of "stateless" residents who either were without citizenship or had no proof of citizenship to any country. Many such families have lived in the country for more than one generation. Many stateless residents originally were from Iran and South Asia; other stateless residents included Bedouins or the descendants of Bedouins who were unable to prove that they originated in the country. There was no formal procedure for naturalization, although foreign women received citizenship by marriage to a citizen, and anyone could receive a passport by presidential fiat. Because they were not of the original tribal groups, naturalized citizens could have their passports and citizenship status revoked for criminal or politically provocative actions; however, such revocations were rare, and there were no reports of such occurrences during the year.

A child born to a citizen man and noncitizen woman acquired citizenship at birth. In November the Government announced that children born to citizen women and noncitizen men also acquired citizenship at birth.

Although not sanctioned by law, employers generally required foreign national employees to surrender their passports as a condition of employment. In practice this prevented international travel or repatriation by foreign national employees without their employers' consent and especially affected such employees in the resolution of employment disputes. Employers sometimes petitioned immigration authorities to blacklist employees with whom they were engaged in contract disputes. Citizens were not restricted in seeking or changing employment. However, foreign nationals in specific occupations could not change employers without first leaving the country for 6 months (*see* Section 6.e.).

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. In the past, the Government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in a third country.

There were no reports during the year of persons seeking refugee status or first asylum and the issue of first asylum did not arise during the year. The Government

cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

During the year, there were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government. There are no popular elections or democratic institutions, and citizens do not have the right to form political parties. Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country's President and Vice-President. Decisions at the federal level generally were made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, their extended families, and those persons and families to whom they were allied by historical ties, marriage, or common interest held political and economic power in their respective emirates.

A federal consultative body, called the Federal National Council (FNC), consists of 40 advisors appointed by the rulers. Advisors are drawn from each emirate, with proportion based on emirate population. The FNC has no legislative authority but it may question ministers and make policy recommendations to the Cabinet. Its sessions usually were open to the public.

The choice of appointing a new emirate ruler falls to the ruling family in consultation with other prominent tribal figures. By tradition, rulers and ruling families were presumed to have the right to rule, but their incumbency ultimately depended on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers were accessible, in varying degrees, to citizens who had a problem or a request.

Tradition rather than the law limited the political role of women, and there were very few women in senior positions. There were no female members of the FNC. In Sharjah five women served on the emirate-wide, 40-member Consultative Council. The new female Council members were appointed to the Council's Family Development Committee; however, they reportedly were not limited to working on social issues and could also join the Council's other committees. Other women in senior government positions included an undersecretary in the Ministry of Labor and Social Affairs and an assistant undersecretary for planning and evaluation in the Ministry of Education.

Although the small Shi'a minority has enjoyed commercial success, few Shi'a held top positions in the Federal government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Jurists' Association Human Rights Committee, which focused on human rights education, operated as an independent domestic human rights NGO. The Committee conducted a number of seminars and symposia throughout the year on various human rights issues.

The Government cooperated with international human rights NGOs, other foreign human rights NGOs, and international governmental organizations. There were no reports that the Government refused to cooperate with or refused access to international NGO human rights monitors.

In the summer, AI visited the country and discussed various human rights issues with government officials. During the year, the Government also cooperated with foreign NGOs and worked with foreign governments on issues involving the practice of trafficking in boys for use as child camel jockeys.

In July representatives from the Armenian office of the International Organization for Migration met with government officials and community members to discuss trafficking in women issues. The Government continued to work with the International Labor Organization on labor issues.

In May the Ministry of the Interior conducted a seminar entitled "Police Profession and Human Rights" and created a Human Rights Department to monitor human rights abuses centrally and to increase awareness on human rights issues.

In July the Government-sponsored Zayed Center for Coordination and Follow-Up, an affiliate of the Arab League, hosted a 2-day international conference on human rights and war victims. In December the Dubai Police Human Rights Section hosted a conference on the protection of prisoners' rights and other human rights issues. The Dubai Police Academy continued to include a course on human rights in its curriculum for fourth-year students.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law without regard to race, nationality, or social status. However, there was institutional and cultural discrimination based on sex and nationality.

Women.—Abuse and rape are criminal offenses, and offenders were prosecuted and penalized. There were some reported cases of spousal abuse. The laws protect women from verbal abuse or harassment from men, and violators were subject to criminal action. Police units were stationed at major public hospitals so that victims of abuse could file complaints, which would fall under the jurisdiction of the Shari'a courts; in addition, attending physicians could call upon police to interview suspected victims of abuse. Social workers and counselors also maintained offices at public hospitals. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons. When abuse was reported to local police, authorities could take action to protect the complainant. There continue to be credible reports of physical and sexual abuse of female domestic servants by some local and foreign employers (*see* Section 6.e.). In July the Women's Da'waa Administration, part of the Dubai Awqaf and Islamic Affairs Department, established a telephone hotline for women and children. The hotline had direct access to the Dubai Police if police assistance was necessary, and was open to requests for assistance from women in all emirates.

Although "honor killings" were uncommon, in June, in an apparent "honor killing" case, the Shari'a Appeal Court in Ras Al-Khaimah Emirate commuted a foreign national's sentence of death to 5 years served upon the defendant's parents' request that the death penalty be waived. The defendant was convicted of the death of his younger sister by stabbing because she married without her family's approval. The defendant also seriously injured a second sister who tried to intervene.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. No accurate statistics were available. However, substantial numbers of women arrived from the states of the former Soviet Union, Africa, East Asia, Eastern Europe, and other states of the Middle East for temporary stays during which they engaged in prostitution and possibly other activities connected with organized crime. There was credible evidence that many of these women sought to enter the country to make substantially more money than they could earn in their home countries by engaging in prostitution; however, other reports suggested that some of them engaged in involuntary prostitution because their salaries were not paid or they were reduced (*see* Section 6.f.).

While prostitution was acknowledged widely to exist, the Government did not address the issue publicly because of societal sensitivities. In an effort to combat prostitution, the Dubai police conducted special patrols in areas frequented by prostitutes, and the immigration and police forces have formed special units that conducted raids and sting operations in areas frequented by prostitutes. To address the problem, authorities restricted the number of visas issued to single women between the ages of 30 and 40. However, press reports indicated that airlines and tourism companies continued to obtain visitor visas for single women between the ages of 30 and 40.

Trafficking in women for the purposes of sexual exploitation was a problem (*see* Section 6.f.).

There were no legal prohibitions against women owning property or businesses. The Shari'a law of inheritance applies equally to men and women although laws of distribution may differ. When a woman marries, her separate property (including her dowry, which is set by law at a maximum of approximately \$13,700 or 50,000 dirhams) and the income of her separate property remain under her control and are not commingled with the separate property of her husband. During the marriage, the husband is obliged to provide a marital home and necessities for his wife and children. In the event of divorce, a woman takes her separate property, any amounts she receives in a property settlement with her husband, plus any allowances granted to her for maintenance for her and the children.

Custom dictated that a husband could bar his wife, minor male and female children, and adult unmarried daughters from leaving the country, if only by taking custody of their passports (*see* Section 2.d.).

Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a law to ban his wife from working if she was employed at the time of their marriage. By custom and tradition, some government bodies would not employ a married woman without her husband's written consent, although such permission usually was granted.

Shari'a law is applied in personal status cases. The law permits men to have more than one wife, but not more than four, at a time. A husband is required to ask his wife's permission and approval before he may take a second wife.

Divorce is permissible. A woman may be granted a divorce if she can prove that her husband has inflicted physical or moral harm upon her; for example, that he has deliberately stayed away from her for 3 months, or has not paid for her upkeep or for the maintenance of her children. Divorced women are granted custody of female children until they reach the age of maturity or marry; they are granted temporary custody of male children until they reach the age of 13. If the mother is deemed unfit, custody reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage.

The law prohibits cohabitation by unmarried couples. The Government may imprison and deport noncitizen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the confines of the prison or place them with a relative. In rare cases, children were held in other facilities until the mother's release. In Dubai Emirate, unmarried pregnant women generally must marry the father of the child or repatriate to their home country. Otherwise, both parties would be subject to arrest for fornication.

There were no legal prohibitions against a woman owning her own business. Traditionally, professional women, including doctors, architects, and lawyers, did not face restrictions on licensing businesses in their names. The Abu Dhabi Chamber of Commerce conducted programs to encourage small business entrepreneurship by women. The Chambers of Commerce and Industry in Abu Dhabi and Dubai Emirates had Businesswomen's Councils.

In October the first Arab and International Businesswomen's Conference was held in Dubai. Attended by about 500 delegates, the conference featured international women entrepreneurs and workshops conducted by professional trainers.

Women who worked outside the home sometimes did not receive equal benefits, such as housing, and faced discrimination in promotion. If a woman and her husband were both employed by the Government, both housing allowances will be paid to the husband because he is obliged under Shari'a law to provide for housing. The Government provided employee housing allowances to single women and to married women whose husbands were employed in the private sector.

Maternity leave for public sector employees is a minimum of 45 days to a maximum of 6 months—2 months with full pay, 2 additional months of nursing leave with half salary, and the possibility of 2 more months without salary.

Opportunities for women have grown in government service, education, private business, and health services. Citizen and noncitizen women constituted 15 percent of the national workforce. The federal government publicly has encouraged citizen women to join the workforce, ensuring public sector employment for all that apply. Women represent most primary and secondary school teachers and health care workers, and make up almost half of all government workers.

The law prohibits sexual harassment. As a form of deterrence, Dubai-based newspapers regularly published pictures of men arrested in Dubai for harassing women in public places. In August a citizen was convicted and fined in Dubai for breach of privacy because he secretly photographed six girls in a restaurant.

Women continued to make progress in education. They constituted over 75 percent of the student body at UAE University in Al-Ain. Most universities have separate campuses for men and women; however, the American Universities in Dubai and Sharjah, private institutions, were coeducational. Academic materials were subject to censorship, and students were banned from reading texts in which the human body was pictured or sexuality was featured (*see* Section 2.a.).

Women officially were encouraged to continue their education, and government-sponsored women's centers provided adult education and technical training courses. The federal armed forces accepted female volunteers, who enrolled in a special training course that started after the Gulf War. The Dubai Police College also recruited women; many were deployed at airports, immigration offices, and women's prisons.

In August the first class of policewomen for Sharjah Emirate, consisting of 53 women, completed a police skills training course at the Sharjah Academy for Police Sciences.

Children.—The Government expended resources on the welfare of child citizens; however, noncitizen children received fewer benefits.

Children who were citizens received free public education through the university level, free health care, and were assured housing. Citizens employed by the Govern-

ment also were eligible to receive aid from the Ministry of Labor and Social Welfare for sons and daughters who were under the age of 18, unmarried, or had disabilities.

Noncitizen resident children were not permitted to enroll in public school unless they lived in rural areas that lacked private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages; otherwise, expatriates residing in the country paid for the expense of their children's education. In an effort to help offset this expense for public employees, the Government provided an annual subsidy of approximately \$1,600 (6,000 dirhams) to its noncitizen employees for private school tuition per family.

Citizen children were required to attend school—segregated by gender—through the sixth grade, the last grade of primary education, when children could be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children, both girls and boys, did not attend school.

Child abuse was not prevalent, apart from the trafficking of young boys employed as camel jockeys (see Sections 6.c., 6.d., and 6.f.). Effective September 1, the Government banned the use of young boys as jockeys in camel races, with violators subject to penalties up to and including imprisonment. The Government enforced the ban by inspections at races. There were no reports of ban violations by year's end.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There was no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access to disabled persons. The Ministry of Labor and Social Affairs sponsored six government physical and mental rehabilitation centers open only to citizens.

Other rehabilitation centers were semi-government or established by charity associations. Initiatives ranged from monthly social aid funds, special education, and transportation assistance, to sending a team to the Special Olympics. The Government and quasi-government entities also provided a significant amount of non-governmental financial assistance, services, and emotional support to persons with disabilities.

In September the Ministry of the Interior established in Abu Dhabi Emirate, the Rehabilitation, Training and Recruitment Center for People with Special Needs. The center provided comprehensive education, training and guidance and job placement assistance to disabled persons between 14 and 40 years of age.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, while not legally sanctioned, was prevalent and occurred in most areas of daily life, including employment, housing, and social interaction. Employment, immigration, and security policy, as well as cultural attitudes towards the very substantial number of foreign workers, were conditioned by national origin.

It was estimated that more than 50 percent of foreign workers were from the Indian subcontinent. Noncitizens were denied access to some free services provided by the Government, including education, health care, and social and recreational club memberships.

Section 6. Worker Rights

a. The Right of Association.—The law does not authorize workers to form or join unions, and in practice, there were none. However, the Government allowed workers to associate freely for the advancement of common goals and interests. In practice workers addressed grievances and negotiated disputes or matters of interest with employers through formal and informal mechanisms.

Since 1995, the country has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards. However, the ILO reported in April that the country, along with other Gulf States, had agreed to start projects to improve respect for freedom of association and the right to collective bargaining.

b. The Right to Organize and Bargain Collectively.—Although the law does not grant workers the right to engage in collective bargaining, it expressly authorizes collective work dispute resolution.

There were a number of organized gatherings of workers that complained of unpaid wages before the Ministry of Labor and Social Affairs. Some professional associations were granted greater freedom to raise work-related concerns, to lobby the Government for redress, or to file a grievance with the Government. The Ministry of Labor and Social Affairs reviewed employment contracts for workers in the industrial and service sectors to ensure compliance with the labor laws. The labor laws do not cover domestic and agricultural workers. The Ministry of Interior's Natu-

ralization and Residency Administration reviewed the contracts of foreign domestic employees as part of residency permit processing to ensure that the negotiated salaries and terms were adequate. For the resolution of work-related disputes, workers had to rely on conciliation committees organized by the Ministry of Labor and Social Affairs or on special labor courts.

The Ministry of Labor and Social Affairs distributed information to foreign workers outlining their rights under the labor law and how to pursue labor disputes, whether individual or collective. Employees could file individual employment dispute complaints with the Ministry of Labor. With the Ministry acting as mediator, if the complaint was unresolved by agreement of the parties, the employee could file a complaint with the labor courts. In a collective work dispute between employees and employer or employers concerning a subject of joint interest to all or a group of them in an establishment, trade, vocation or in a certain vocational sector, employees or employers could file complaints with the Labor Ministry if they were unable to settle such disputes amicably. If the Labor Ministry was unable to mediate a settlement within 10 days, the complaint was submitted to a Conciliation Committee for settlement. Either the employee or employer could appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation, whose decision is final. While these regulations existed, there was little information available about their implementation in practice.

The Government prohibits strikes by those employed in the public sector on the grounds of national security considerations. However, there were a number of strikes by private sector employees during the year. There were no reports that workers who went on strike were deported.

Labor laws do not cover, and therefore do not protect, government employees, domestic servants, and agricultural workers. The latter two groups faced considerable difficulty in negotiating employment contracts because the mandatory requirements contained in the labor law did not apply. They also faced considerable difficulty in obtaining assistance to resolve disputes with their employers. The employer generally tied an employee's residency or visa to his employment and sponsorship. If the employee terminated his employment and was unable to secure new employment and a new sponsor, the employee lost residency and could be required to leave the country.

Businesses in free trade zones must comply with federal labor laws; however the Ministry of Labor did not regulate them. Instead, each free trade zone maintained its own labor department to address workers concerns.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor was illegal. However, some employment agents brought foreign workers to the country under conditions approaching indenture. Some women reportedly were brought to the country for service sector employment and later were forced into prostitution (*see* Section 6.f.). Some low-paid unskilled and semi-skilled workers were victims of contract-switching.

The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively. In particular, it has taken concrete steps to resolve the problems of child camel jockeys (*see* Section 4, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The labor law prohibits employment of persons under the age of 15 and has special provisions for employing those 15 to 18 years of age. The Federal Ministry of Labor and Social Affairs is responsible for enforcing the regulations. Other regulations permitted employers to employ only adult foreign workers. The Government did not issue work permits for foreign workers under the age of 18 years. Child labor was not tolerated, with the exception in the past of child camel jockeys (*see* Section 5, 6.c., and 6.f.).

In September the Government implemented and began enforcing a child camel jockey ban with criminal penalties for violators up to and including imprisonment. The ban prohibits the use of camel jockeys less than 15 years of age and less than 45 kilograms (99 pounds). The Government enforced the ban through inspections at races. There were no cases of ban violations reported by year's end.

e. Acceptable Conditions of Work.—Approximately 98 percent of the private sector workforce consisted of foreigners. There were a considerable number of skilled foreign nationals in the country who were employed under favorable working conditions. However, the country also was a destination for a large number of unskilled workers, including up to 250,000 domestic servants, most of them women from South and East Asia, and an even larger number of unskilled male workers, mostly from South Asia. These unskilled laborers actively competed for jobs in the country and other Gulf countries, and in the past were subject to poor working conditions.

The standard workday is 8 hours per day; the standard workweek is 6 days per week; however, these standards were not enforced strictly. Certain types of workers,

notably domestic servants, could be obliged to work longer than the mandated standard. The law also provides for a minimum of 24 days per year of annual leave (2 days per month if service is more than 6 months but less than 1 year; 30 days per year if service exceeds 1 year) plus 10 national and religious holidays. There was no legislated or administrative minimum wage; rather, supply and demand determined compensation. Compensation depended on occupation and employer and ranged from \$109 (400 dirhams) per month for domestic or agricultural workers working for local individual employers to \$164 (600 dirhams) per month for construction workers working for companies to much higher salaries for highly skilled employees. Compensation packages generally provided housing or housing allowances. In addition, other benefits, such as homeward passage or health cards for minimal to no-cost health care, were often provided to employees by their employers.

The Labor and Social Affairs Ministry reviewed labor contracts and did not approve any contract that stipulated a clearly unacceptable wage.

Most foreign workers did not earn the salary required to obtain residency permits for their families. The required monthly minimum salary to permit accompanying families was \$1,090 (3,924 dirhams) or \$817 (2,941 dirhams), when a housing allowance is provided.

In two recent cases affecting the long held assumption of almost total job security for citizens, a number of citizens were involuntarily transferred, retired, or terminated from government employment reportedly due to their affiliations or opinions. The federal civil service laws, rather than the labor laws, covered public sector employees. According to press reports, 10 national employees of the Ministry of Justice, Islamic Affairs and Awqaf filed complaints in June alleging that adverse employment actions taken against them—involuntary retirement prior to the legal age of retirement—were in alleged violation of the civil service laws and the Social Security Law.

In August some employees of the Ministry of Education and Youth also were affected by adverse employment decisions. Press reports indicated that these national employees were retired involuntarily, whereas others were transferred involuntarily to other federal ministries. The affected employees claimed they had good service records and alleged that the adverse employment actions were taken without stated reasons, cause, notice or process.

There continued to be local newspaper reports regarding the non-payment of wages to foreign workers.

In May 73 laborers gathered to file a complaint against their contracting company employer for 6 months unpaid wages and for failure to renew their residence permits and labor cards. The police station provided a bus to transport the workers to file their complaint. Also in May, more than 20 medical students protested the suspension of their classes by their lecturers because the lecturers had not been paid for 3 months. In August approximately 1,500 workers gathered at their employer's head office to complain of unpaid wages. In September over 100 hotel employees filed a joint complaint against their employers for unpaid wages of 3 to 5 months, annual leave salary, and end-of-leave service benefits. The hotel had recently been sold without prior notice to the employees and without making any legal arrangement to settle the unpaid salaries and benefits. At year's end, there was no new information available on two cases involving the non-payment of wages from 2001: 61 Indian and Bangladeshi laborers and 500 South Asian construction workers.

In May 2001, the Government introduced a new law requiring some employers to deposit monetary guarantees with third-party banks. The purpose of the guarantee was to decrease the growing number of cases in which employees worked, sometimes for months, without wages. The amount of the guarantee increased according to the number of workers employed by the depositor. In theory, the greater the number of workers employed by a company, the more money would be deposited and the greater the likelihood that workers would be paid in a timely manner. However, the law does not protect all workers. The law exempts from this requirement those companies in which the Government owns a share, banks, insurance firms, petroleum firms, and certain hotels.

In May the Labor Ministry announced that the institution of bank guarantees to protect rights of workers had been mostly successful as the number of labor disputes, especially in companies that were required to deposit large bank guarantees, had decreased. After reports that some employers were making their employees pay the amount of the bank guarantee, in September the Labor Ministry warned employers that such actions were in violation of the labor laws since the employers were responsible for providing the bank guarantees and that the Ministry would take strict action against companies that deducted the value of the bank guarantee from their workers' salaries.

In May the Labor Ministry announced it would not tolerate the violation of the rights of workers, especially those of low-income laborers, and increased and intensified inspections. In August the Labor Ministry announced that 215 companies had been blacklisted (suspended from submitting applications for new work permits or sponsorship transfers) and fined for labor law violations. In September the Labor Ministry blacklisted a company for failure to comply with an agreement with the Ministry to pay outstanding backpay of five months to 300 workers.

Labor law violations by private industry reportedly were high due to a shortage of labor inspectors and resources. In June the Labor Ministry created a special task force to inspect all industrial establishments in the private sector. In November 54 additional labor inspectors began work.

Some foreign nationals involved in disputes with employers, particularly in cases in which the employee signed a contract containing a clause not to complete, could be blacklisted by the employer with immigration authorities, effectively preventing their return for a specified period of time. Employers also had the option to petition to ban from the work force for 6 months any foreign employee who left his job without fulfilling the terms of his contract (*see* Section 2.d.).

Employers did not always follow the laws regarding the sponsorship of foreign employees. Under the regulations, a company that has one or more employee whose work permit has expired and not been renewed will be barred from employing new staff. However, the rule was enforced unevenly.

The Ministries of Health and of Labor and Social Affairs, municipalities, and civil defense enforced health and safety standards, and the Government required every large industrial concern to employ a certified occupational safety officer. However, health and safety standards were not observed uniformly. Press reports in June 2001 noted a Ministry of Labor study that stated that many industrial establishments failed to observe health and safety regulations, and more than half provided substandard housing and unclean environments, with sometimes as many as 15 workers living in a single room.

In August in Dubai, the steel roof of a four-story power plant building under construction collapsed, killing 9 laborers and injuring 19, 5 of them seriously. In response, Dubai Municipality ordered a team of its Building and Housing Department's specialized construction engineers to visit the site and report on the collapsed structure. The Labor Ministry also investigated the accident with regard to the legal responsibilities of the involved companies to their workers. In May 2001, Dubai increased inspections of construction worksites and factories. This measure followed a series of deaths and injuries caused by accidents at construction sites throughout the country.

Contrary to popular belief, there is no law in the country that prohibits labor outdoors when the temperature exceeds 50 degrees Celsius. The law does require, however, that employers provide employees with a safe work environment. Medical experts in the country reported that it was inadvisable for laborers to work outdoors when the temperature exceeded 40 degrees Celsius.

After five Dubai workers died of sunstroke in July, the Ministry of Labor and Social Affairs urged companies to provide safety measures to avoid casualties from sunstroke and heat exposure, including reducing work hours or splitting the workday to include a break between 11 a.m. or noon and 3:00 p.m. The Labor Ministry also warned employers that it would strictly enforce regulations requiring employers to ensure safe working conditions for their employees. At year's end, there was no further information.

In July 2 Sharjah hospitals reported receiving 10 cases of sunstroke each day. Abu Dhabi public hospital emergency units reported 340 cases of severe and mild sunstroke, mostly involving outdoor laborers, in the first 3 weeks of August. In the first week of August, 60 workers who suffered from sunstroke were admitted to a Dubai hospital. At year's end, there was no further information.

Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. However, the Ministry of Labor and Social Affairs could require employers to reinstate workers who were dismissed for not performing unsafe work. Injured workers were entitled to fair compensation, and all workers had the right to lodge grievances with Ministry officials, who made an effort to investigate all complaints.

Rulings on complaints may be appealed within the Ministry and ultimately to the courts; however, many workers chose not to protest for fear of reprisals or deportation.

There were reports of abuse of domestic workers by their employers. Allegations included excessive work hours, nonpayment of wages, and verbal, physical, and sexual abuse. There was no further information available on cases in 2001 of attempted suicide and rape (*see* Section 5).

Sponsorship and residency laws do not permit most foreign national employees to change employers, and employers normally held their employees' passports. Because of this practice, servants were unable to leave their employment and return to their home country or find another job.

In the past, employers typically transported workers from their living quarters to their work site in trucks, trailers, or pick-ups. In an effort to improve the safety of workers during the transport, in April 2001, the Dubai Emirate banned transport in or through the emirate of laborers in pick-up trucks and truck trailers that were not designed to transport persons and lacked safety features, and required employers to transport employees in buses, with offenders subject to fines and/or vehicle seizure. In December Abu Dhabi Emirate also banned this practice.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although child smuggling, prostitution, and pornography are crimes. Trafficking in women and young boys used as camel jockeys was a problem. The Government investigated allegations of trafficking in persons when such allegations were made and provided assistance in repatriation, medical care and locating shelter for trafficking victims.

In September the Government banned the use of children as camel jockeys in an effort to end this use of child labor and eliminate the trafficking of young boys to the country for this purpose. The Government also tightened controls at points of entry into the country for boys under the age of 15 years and ordered the repatriation of children in the country used as camel jockeys.

The law prohibits the use of camel jockeys that are less than 15 years of age and weigh less than 45 kilograms (99 pounds). All camel jockeys are required to have a government-issued identification card, which were issued after physical examination by a medical committee through the use of x-rays and other tests to confirm that the child was at least 15 years of age.

The Government established the following penalties for violators of the child camel jockey ban: first offense, fine of approximately \$5,500 (20,000 dirhams); second offense, banned from participation in camel races for one year; third and subsequent offenses, imprisonment. The Government enforced the ban by inspections at camel races.

There reportedly were as many as hundreds of underage camel jockeys working in the country who were subjected to harsh conditions.

In the past, credible sources reported that almost all camel jockeys were boys between the ages of 4 and 10 brought to the country by small, organized gangs. The gangs obtained the youths, usually from poor families in Pakistan and Bangladesh, by kidnaping, or in some instances by buying them from their parents or taking them under false pretenses, and then smuggling them into the country. Some children have reported being beaten while working as jockeys, and others have been injured seriously during races.

There was no further action taken in the 2001 death of a 7-year old Bangladeshi boy in Dubai or the kidnaping in 2000 of a 10-year old Pakistani boy camel jockey.

There were credible reports of trafficking in women to the country. Some foreign diplomats and NGOs reported that some women were brought to the country under the false pretense of working in the service sector or as domestic servants, but then were forced into prostitution. When these women and girls arrived in the country, the traffickers did not provide the promised employment, reportedly took their passports, and forced them to work as prostitutes to repay their travel expenses. The women received little payment from the traffickers, however, which made it difficult to repay their debts.

The women also were warned that they could be arrested if they turned to the police or others for help because they were in the country illegally. It was unclear whether this trafficking activity was conducted with the full complicity of the women's citizen sponsors, or whether the women's generally noncitizen agents were exploiting the sponsorship system to engage in illicit activity (see Section 5).

The Kazakhstan government reported in June 2001 that it broke up a trafficking ring that specialized in sending women to the country for prostitution. Five members of the ring were arrested while attempting to board a woman and a 15-year-old girl on a flight to Dubai.

YEMEN

The Republic of Yemen is a republic with an active bicameral legislature. Constitutional power is shared among the popularly elected President, the appointed 111-member Shura Council, and a popularly elected 301-seat House of Representa-

tives. President Saleh is the leader of the General People's Congress (GPC), which dominates the Government. In September 1999, President Ali Abdullah Saleh was directly elected in a popular vote to another 5-year term. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were problems, including the lack of a credible voter registration list and election-related violence. In addition, the President was not opposed by a competitive candidate because his sole opponent was a member of the GPC. In 1997 parliamentary elections were held and the GPC won an absolute majority. The elections were reasonably free and fair, although there were some problems with voting procedures. The Parliament was not yet an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. The elected House of Representatives was led by the head of the Islaah, the leading opposition party, who effectively blocked some legislation favored by the Executive. Real political power rested with the executive branch, particularly the President. In February 2001, local elections were held with all major opposition parties participating. The nominally independent judiciary was weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. The Criminal Investigative Department (CID) of the police reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. Civilian authorities generally maintained effective control of the security forces, although there were some instances during the year in which elements of the security forces acted independently of the Government. Members of the security forces committed serious human rights abuses.

Yemen is a very poor country with a population of approximately 19 million; more than 40 percent of the population live in poverty and the unemployment rate is 36 percent. Its embryonic market-based economy, despite a reform effort, remained impeded by government interference and corruption. The economy is mixed; oil and remittances from workers in other Arabian Peninsula states are the primary sources of foreign exchange. The economy suffered due to other Arab governments' reaction to the Government's lack of support for the U.N. coalition during the Gulf War. However, international foreign aid and worker's remittances have reemerged as important sources of income.

The Government generally respected its citizens' human rights in some areas; however, its record was poor in several other areas, and serious problems remained. There were limitations on citizens' ability to change their government. There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. Members of the security forces tortured and otherwise abused persons, and continued to arrest and detain citizens arbitrarily. During the year, there were efforts to implement directives intended to align arrest, interrogation, and detention procedures more closely with internationally accepted standards. Prison conditions were poor. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, security officers routinely monitored citizens' activities, searched their homes, detained citizens for questioning, and mistreated detainees. The Government usually failed to hold members of the security forces accountable for abuses; however, at year's end, there were two ongoing trials against security officials. Prolonged pretrial detention was a serious problem, and inefficiency, judicial corruption, and executive interference undermine due process. The Government continued a comprehensive, long-term program for judicial reform. The law limited freedom of speech and of the press, and the Government continued to harass, intimidate, and detain journalists. Journalists practiced self-censorship. The Government at times limited freedom of assembly. The Government imposed some restrictions on freedom of religion, and placed some limits on freedom of movement. The Government displayed official support for donor-funded democracy and human rights programs. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced on a limited scale. The Government publicly discouraged FGM, and sponsored initiatives through its National Women's Committee to combat the practice. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government influenced labor unions. Child labor was a problem. Yemen was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

Bombings and targeted shooting increased during the year, with several bombings in Sana'a and one in Marib, a grenade attack on the U.S. Embassy, an attack on

the oil tanker Limburg, a political killing and the killing of three American hospital workers. The Government and international observers attributed these bombings and shootings to terrorism, religious extremism, and antigovernment political groups based in the country and abroad.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. There were some reports during the year that security forces killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

For example, in January two persons reportedly were killed during a clash between security forces and the bodyguards of Sheikh Mansur al-Hanik, a Member of Parliament. In October several persons were killed during a fight between security forces protecting a foreign embassy and the bodyguards of family members of the Speaker of Parliament. Both incidents illustrate the clashes that occasionally escalate between private bodyguards of prominent figures and government forces. No arrests were made in either incident.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2001: The January death in custody of Mohammed al-Yafia; the April killing of a demonstrator in al-Dalah; the December death of four tribal members in Marib and Shebwa governates; and the 2000 death in custody of Sabah Seif Salem.

Four security officials were tried for abuses committed in previous years. During the year, in Hadramaut, three security officers were on trial for torturing two young boys. In Damar a former Security Director was on trial for torture and bribery. These cases still were pending at year's end.

Approximately seven persons were killed in election-related violence in October (see Section 3).

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In addition, tensions between the Government and various tribes periodically escalated into violent confrontations (see Section 5). In May 2001, the President gave the Shura Council the task of developing a strategy to address the phenomenon of violent tribal revenge; however, the Council had not done so by year's end. During the year, the Shura Council issued a report stating that more than 2,000 persons died in 2001 as a result of tribal revenge.

Persons continued to be killed and injured in unexplained bombings and shootings during the year. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. On November 29, a bomb detonated outside a state complex in Marib.

There were threats, attacks, and killing of high-profile persons during the year. For example, in December a high ranking official at the Yemeni Socialist Party, Jarallah Omar, was killed in Sana'a. On December 31, an individual smuggled a semiautomatic rifle into the hospital in Jibla and killed three American medical workers and injured one (see Section 2.c.). Both suspects were in custody by year's end.

During the year, the Government announced its intention to bring suspects to trial in the 2000 bombing of the USS Cole. The explosion killed 17 sailors and injured 39 others (see Section 1.e.).

b. Disappearance.—There were no reports of politically motivated disappearances in the last 8 years. Disappearances that occurred during the 1994 war of secession have gone unresolved. The Government states that the scarcity of records, resulting from the country's lack of an effective national registry, hindered its attempts to create database files for those persons who have disappeared. Both Amnesty International (AI) and the U.N. Working Group on Enforced and Involuntary Disappearances continued to note that there were hundreds of unresolved disappearances dating from the preunity period in the former PDRY. AI has received no credible reports of new disappearances in the last 8 years.

There were no tribal kidnappings during the year. In the past, some tribes sought to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Foreign businessmen, diplomats, and tourists were the principal targets. A total of 166 foreigners have been kidnaped since 1992. Kidnaping victims rarely were injured, and the authorities generally were successful in obtaining the negotiated release of foreign hostages.

There has been a marked decline in tribal kidnappings of foreigners, from six cases involving eight persons in 2000 to seven cases involving seven persons in 2001 to no cases during the year. This decrease was at least in part the result of the Government's establishment of a special court and special prosecutor to try kidnapers and other violent offenders. The Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage.

In December 2001, a court convicted four men who had kidnaped a German citizen in November 2001. The perpetrator received a 25-year sentence and the others received 20-year sentences; however, in April an appeals court increased the sentence for Ahmed Nasser al-Zayidi, to a death sentence. The arrests, trials, and convictions continue. The Government's prosecution appears to have deterred kidnappings. There were no reports of tribal opposition or interference in these cases.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution is ambiguous regarding the prohibition of cruel or inhuman punishment, and members of the security forces tortured and otherwise abused persons in detention. Arresting authorities were known to use force during interrogations, especially against those arrested for violent crimes. Detainees in some instances were confined in leg-irons and shackles, despite a law outlawing this practice.

The Government has acknowledged publicly that torture takes place, but it has claimed that the use of torture was not government policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, a government prosecutor has cited illiteracy and lack of training among police and security officials as reasons for the persistence of the use of undue force in prisons; corruption and pressure from superiors to produce convictions also play a role. The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hinders accountability; prosecutors must obtain permission from the Attorney General to investigate members of the security forces, and the head of the Appeals Court formally must lift their immunity before they are tried. Low salaries for police officers also contribute to corruption and police abuse.

There reportedly was no action taken against the members of the security forces responsible for the following killings: The January 2001 torture and death in custody of Mohammed al-Yafia and the 2000 torture and killing of Sabah Seif Salem (see Section 1.a.).

There were two reported prosecutions of security officers during the year for abuses committed in 2001. In Hadramaut three security officers were on trial for torturing two young boys. In Damar a former Security Director continued to be on trial for torture of persons. Both cases were ongoing at year's end (see Section 1.a.).

There have been numerous allegations and credible evidence that the authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). However, the use of amputations as punishment is extremely rare. Prior to the 2001 Sharaf case, there had been no reports of amputations since 1991, although a small number of persons who have been found guilty of theft remain in jail awaiting the implementation of their amputation. The Shari'a-based law permits physical punishment for some crimes. For example, in Ibb governorate in 2000, Mohamed Tahbit al-Su'mi, after being tried and convicted, was stoned to death for the 1992 rape and murder of his 12-year-old daughter. Capital punishment usually was carried out by firing squad; stoning was almost unheard of, but was approved in this case due to the unusual brutality of the crime.

In previous years, the Government at times used excessive force to put down demonstrations and riots (see Section 2.b.).

Tribal violence continued to be a problem during the year, causing numerous deaths and injuries (see Section 5).

Prison conditions were poor and did not meet internationally recognized standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. Prison authorities often exact bribes from prisoners or refuse to release prisoners who have completed their sentences until family members pay a bribe. Tribal leaders misused the prison system by placing "problem" tribesmen in jail, either to punish them for noncriminal indiscretions or to protect them from retaliation or violence motivated by revenge. Authorities in some cases arrested without charge and imprisoned refugees, persons with mental disabilities, and illegal immigrants and placed them in prisons with common criminals.

Women were held in prison separately from men and conditions were equally poor in women's prisons, where children likely were incarcerated along with their mothers. At times male police and prison officials subjected female prisoners to sexual harassment and violent interrogation. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because their male relatives refused to authorize their release due to the shame associated with their alleged behavior.

There was continued attention focused during the year on the circumstances of women prisoners. Several Nongovernmental Organizations (NGOs), often with government support, undertook activities to address the legal and other problems of female prisoners (see Section 4). For example, the Women's National Committee published a report outlining the problems and suggesting solutions to the plight of women in prison during the year.

Unauthorized "private" prisons were a problem. Most such prisons were in rural areas controlled by tribes, and many were simply a room in a tribal sheikh's house. Persons detained in such prisons often were held for strictly personal or tribal reasons and without trial or sentencing. There were credible reports of the existence of private prisons in government installations, although senior officials did not sanction these prisons.

During the year, efforts continued to implement directives intended to align arrest, interrogation, and detention procedures more closely with internationally accepted standards. For example, the Ministry of Interior created detention and interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals.

In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of dozens of prisoners. During the year, the Government's Supreme National Committee for Human Rights continued the 2000 government initiative, which permits the release of prisoners who, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences.

The Government tightly controlled access to detention facilities by NGOs, although in some cases it permitted local and international human rights monitors access to persons accused of crimes. In 2000 the International Committee of the Red Cross (ICRC), with the Government's full cooperation, conducted a comprehensive inspection of the country's major prisons. While serious problems remain, the ICRC acknowledged the Government's commitment to penal reform and noted that the Government had made significant improvements since the 1995 ICRC inspection, especially with regard to the incarceration of persons with mental disabilities.

Patients with mental illness, particularly those who commit crimes, were imprisoned and even shackled when there was no one to care for them. In some instances, authorities arrested persons with mental illness without charge and placed them in prisons alongside criminals. The ICRC, in cooperation with the Yemeni Red Crescent Society, built and staffed separate detention facilities for prisoners with mental illness.

The PSO did not permit access to its detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge were common practices.

During the year, in concert with partners in the war on terrorism, the Government continued to detain suspects accused of links to terrorism. According to the Yemen Times, in July, the Government released 104 detainees. A parliamentary report issued in September contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of approximately 30 detainees; at year's end, approximately 80 persons remained in detention.

Amar Mahmoud Ali Abdo al-Madhagi reportedly was in prison and awaiting trial at year's end.

During the year, the Government continued to detain journalists for questioning concerning articles critical of the Government or that the Government considered sensitive. For example, in May the PSO detained journalist Abdul-Rahim Muhsen

and held him incommunicado for 6 days and did not release him from prison for 19 days (*see* Section 2.a.). An increase in the number of such incidents occurred for the first time since 1999.

The law prohibits incommunicado detentions. The law provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There were provisions for bail. In practice many authorities abide by these provisions only if bribed.

Citizens regularly claim that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were claims that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces at times detained demonstrators (*see* Section 2.b.).

In cases in which a criminal suspect was at large, security forces in some instances detain a relative while the suspect was being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, commonly was used to settle cases.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. Unlike in previous years, the Ministry of Interior and the PSO operated extrajudicial detention facilities.

A large percentage of the total prison population consists of pretrial detainees. There have been allegations that a large number of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences.

While some cases of those being held without charge have been redressed through the efforts of local human rights groups and government inspection missions (and some illegally detained prisoners released), the authorities have not investigated nor resolved these cases adequately.

Unauthorized private prisons also exist (*see* Sections 1.c. and 1.e.).

The law does not permit forced exile. The Government does not use forced exile. However, at the end of the 1994 war of secession, the Government denied amnesty to the 16 most senior leaders of the armed, secessionist Democratic Republic of Yemen (DRY) who fled abroad. Although they were not forced into exile, some were subject to arrest if they return. The trial of the so-called "16" concluded in March 1998. During the year, with the encouragement of the Government, prominent southern journalists, military officers, and their families who fled the country during the 1994 war of secession returned to the country, including Salim Saleh (*see* Section 1.e.).

During the year, the Government deported more than 100 foreigners, many of whom were studying at Muslim religious schools, who allegedly were in the country illegally. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government deported them using existing laws that require all foreigners to register with the police or immigration authorities within a month of arrival in the country.

e. Denial of Fair Public Trial.—The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was not fully independent, and it was weak and severely hampered by corruption, and executive branch interference. The executive branch appointed judges, and some have been harassed, reassigned, or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and bribery at times influence the verdict more than the law or the facts. Many judges were poorly trained; some closely associated with the Government often render decisions favorable to it. The judiciary was hampered further by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There were five types of courts: Criminal; civil and personal status; kidnaping/terrorism; commercial; and court-martial.

All laws are codified from Shari'a, under which there are no jury trials. Criminal cases were adjudicated by a judge, who plays an active role in questioning witnesses and the accused. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurs. Judges at times "appoint" attorneys present in their courtrooms to represent indigent defendants; however, most accept to avoid displeasing judges before whom they must appear later.

By law prosecutors were a part of the judiciary and independent of the Government; however, in practice prosecutors considered themselves as an extension of the police.

Defense attorneys were allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right

to appeal their sentences. Trials generally were public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have won cases against local defendants, and some such decisions have been enforced.

In addition, to regular courts, the law permits a system of tribal adjudication for noncriminal issues, although in practice tribal "judges" often adjudicate criminal cases as well. The results of such mediation carry the same if not greater weight as court judgments. Persons jailed under the tribal system usually were not charged formally with a crime but stood publicly accused of their transgression.

A special court tried persons charged with kidnaping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage (*see* Section 1.b.). In May this court handed down a sentence to an offender who had thrown two grenades over the U.S. Embassy wall on March 15; however, the sentence subsequently was reduced to 10-years on grounds that the perpetrator suffered from psychological problems.

The Government continued its program begun in 1997 to reform the judiciary. While the program has not yet been completed, some attorneys cite improvements, including a reduction in the number of Supreme Court justices from 90 to 40 in 1998, an increase in judges' salaries to deter corruption, an increase in the Ministry of Justice's budget in 2000, and participation by judges in workshops and study tours conducted by foreign judicial officials. However, there have not yet been any tangible impacts on the administration of justice.

During the year, the country's Higher Judicial Council, chaired by the President, dismissed 35 judges and prosecutors for violating the law. In 2001 the Higher Judicial Council dismissed 20 judges and prosecutors and forced 108 others to retire. The council also strengthened the Ministry of Justice's authority to investigate and prosecute allegations of judicial abuse, and instructed the Accountability Council to accelerate its investigation of pending cases.

The security services continued to arrest and prosecutors to charge and try persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence. Citizens and human rights groups alleged that the judiciary did not observe due process in these cases.

In September the Parliament issued a report on detainees held in connection with terrorist activities. In the report, detainees' family members alleged that detainees were held without family notification, without counsel, without charges, and without basic privileges such as health care. Family members alleged that some were held in isolation and tortured. The Minister of Interior acknowledged that the detainees were held, but asserted that it was necessary for national security. He denied the torture charges and said that the detainees related to the USS Cole attacks would be charged and prosecuted after investigation in cooperation with international law enforcement partners. By year's end, the investigation into the attack was transferred to the General Prosecutor to prepare for trial, and several suspects were in custody (*see* Section 1.a.). In 2001 the lawyer claimed that authorities denied him access to his clients. There also were expressions of concern that the prosecution had postponed proceeding to trial to give security officials more time to investigate. However, there have been no reports of allegations of torture from persons detained in connection with the USS Cole investigation.

In January 2001, explosive devices were detonated in Aden outside the Anglican Christ Church, which is used as a transient hotel by seamen, and the official SABA News Agency office. Authorities attributed the bombings to religious extremists, possibly affiliated with the Aden-Abyan Islamic Army (AAIA). Five persons were arrested and their trial began in April 2001. In August three of five persons were convicted of planning and carrying out the bombings and received sentences of 6, 2½, and 2 years, respectively. One defendant was acquitted for lack of evidence and the fifth defendant's fate was unknown.

The Government claims that it does not hold political prisoners. Local opposition politicians and human rights activists generally accept this claim; however, some international human rights groups and members of the opposition-in-exile dispute it.

At the end of the 1994 war of secession, the President pardoned nearly all who had fought against the central government, including military personnel and most leaders of the unrecognized DRY. In previous years, the Government tried in absentia the DRY leaders of the so-called "16." In January, Yemeni Socialist Party figure Salim Saleh, accompanied by President Saleh, returned from his self-imposed exile. At year's end, the President issued an amnesty to all but 4 of the "16."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Despite constitutional provisions against government interference with privacy, security

forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Such activities were conducted without legally issued warrants or judicial supervision. Security forces regularly monitored telephone conversations and interfered with the telephone service of government critics and opponents. Security forces sometimes detained relatives of suspects while the suspect was being sought (*see* Section 1.d.). Government informers monitored meetings and assemblies (*see* Section 2.b.).

The Government reportedly blocked sexually explicit Web sites, but did not block politically oriented sites (*see* Section 2.a.). The Government claimed that it did not monitor Internet usage, but some persons suspected security authorities read their e-mail messages. There have been no reports that the Government has taken action against Internet users.

The law prohibited arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes in some instances were taken from their homes in the middle of the night, without search warrants.

No citizen may marry a foreigner without Interior Ministry permission (*see* Section 5). This regulation does not carry the force of law and appears to be enforced irregularly. However, some human rights groups have raised concerns about the regulation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press “within the limits of the law”; however, the Government influenced the media and restricted press freedom. Some security officials attempted to influence press coverage by threatening, harassing, and detaining journalists. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, some were cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and sentences up to 5 years in jail, “the humiliation of the State, the Cabinet, or parliamentary institutions,” the publication of “false information” that “threatens public order or the public interest,” and “false stories intended to damage Arab and friendly countries or their relations with Yemen.”

An atmosphere of government pressure on independent and political party newspapers continued at a higher level than before the war of secession, despite a presidential amnesty to all journalists in July. The Government used criminal prosecution, censorship, arrests, and intimidation directed at journalists. For example, three journalists were convicted on June 4, of “religious sedition” and “harming national unity” and given 5-month suspended sentences. However, in June 2001, with the Government’s permission and encouragement, eight prominent southern journalists who fled the country after the 1994 war of secession returned to the country and resumed their careers.

The Ministry of Information influenced the media through its control of most printing presses, subsidies to certain newspapers, and its ownership of the country’s sole television and radio outlets. Only one newspaper, the thrice-weekly Aden independent Al-Ayyam, owned its own press. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. However, during the most recent presidential election campaign, the media extensively reported in full the many critical comments made by the President’s opponent. The Government televised parliamentary debates, but it may edit them selectively to remove criticism.

Press Law regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about \$4,375 (700,000 riyals) in operating capital. Some journalists claimed that the regulations were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, official corruption, and combating terrorism. Journalists were subject to arrest for libel, dismissal from employment, or extrajudicial harassment. However, during the year the press extensively covered the parliamentary report on detainees who criticized the Government for their treatment (*see* Section 1.d.).

Editors-in-chief legally were responsible for everything printed in their newspapers, regardless of authorship. Some journalists have reported being threatened by security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad, although there were no reports that this restriction was enforced during the year (*see* Section 2.d.). During the year, the Gov-

ernment enforced a 2001 circular prohibiting publication of information or news pertaining to the armed forces before "consulting" with the Ministry of Defense when journalists who reported on an alleged shooting of a military helicopter were harassed and detained by security officials.

Most individual journalists and the Yemeni Journalists Syndicate agreed that the number of such incidents increased during the year for the first time since 1999. In July the President issued amnesty for all journalists in detention or awaiting trial. The amnesty directed the General Prosecutor to stop all cases filed against journalists awaiting prosecution. The orders also required journalists to pledge to discontinue reporting that goes against the law, national norms, or national unity. Because of these orders, no journalist signed the pledge and while detainees have been released, no cases have been resolved. Some journalists claimed that most harassment comes from the police, in particular the CID, and no longer the PSO. Cases and ongoing trials involving journalists often were not resolved formally, but rather were settled through unofficial agreements between the Government and the journalists, or languished indefinitely.

During the year, approximately 30 journalists from 23 media institutions were investigated, charged, or imprisoned. By year's end, the Ministry of Interior also shut down three opposition newspapers. In May Abdul-Rahim Muhsen, a journalist for the Yemeni Socialist Party's newspaper Al-Thawri, was arrested by the PSO. He was interrogated and detained until July, despite a court sentence of 5 months imprisonment. He had written articles that were critical of the Government. On June 5, Ibrahim Hussein, an Al-Thawri journalist, also was sentenced to 5 months in jail. Two weeks later, Hussein was rearrested and imprisoned by the PSO and held incommunicado. On July 9, he was released pending trial. The case was pending at year's end.

In June the Supreme Court upheld a lower court's 2001 decision to suspend publication of Al-Shumu for approximately 1 year for alleging corruption in the Ministry of Education. The Supreme Court also fined Seif al-Hadhri, Al-Shumu's editor-in-chief \$59 (10,000 riyals). The Court also sentenced al-Hadhri to 6 months in prison and banned him from practicing journalism for 10 months. Human rights groups criticized the verdict and the sentence had not been carried out by year's end. Al-Hadhri continues to practice journalism and in late summer resumed publication of Al-Shumu'. During the year, al-Hadhri reported negatively about the Ministry of Interior, and subsequently the entire editorial board was arrested and held for 21 days in jail. The editorial board was released, and the case was pending at year's end.

There were no developments in two cases involving articles that criticized the Government of Saudi Arabia: The 2000 court cases of Jamal Ahmed Amer, a journalist for al-Ushbu' newspaper and a member of the opposition Nasserist Party and Dr. Qasim Sallam, the general secretary of the opposition Arab Socialist Baath Party. Amer was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi relations. Sallam wrote an article that alleged that there were supporters of Israel in the Saudi leadership.

There were no developments in the 2000 case of Hisham Ba Sharahil, the editor of al-Ayyam who was charged with "instigating the use of force and terrorism" and "publishing false information" for publishing an interview with Islamic militant Abu Hamza al-Masri in 1999. He also was charged with "insulting public institutions" for publishing an article critical of the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia (HATAM). Ba Sharahil's case was ongoing at year's end.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. Critics claim that the syndicate was ineffective because it has too many nonjournalist members who support government policy. In previous years, several independent and opposition party journalists formed a rival union, the Committee for the Defense of Journalists, under the leadership of Hisham Ba Sharahil, the publisher of al-Ayyam newspaper, to defend more vigorously journalists harassed by the Government.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. In April 2001, PSO officials in Taiz detained Faysal Said Fara'a, the director of a private cultural center, for 1 day of questioning following his alleged receipt of banned books dealing with the opposition. There were no reports during the year that the Ministry of Information delayed the distribution of international Arabic-language dailies in an effort to decrease their sales in the country, as had occurred in previous years. However, authorities monitor foreign publications, banning those that they deem harmful to national interests.

An author must obtain a permit from the Ministry of Culture to publish a book. Most books were approved, but the process was time-consuming. The author must

submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text, and then it is submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually do not deal with an author who has not yet obtained a permit.

In June the Western Court of Sana'a asked the public prosecutor to arrest Wajdi al-Ahdal, a novelist, for allegedly "abusing Islam and undermining the country's conventions." The Ministry of Culture ordered copies of his book removed from shelves and ordered the closing of the publisher. In May al-Ahdal left the country.

Internet use increased significantly. An estimated 46,400 persons used the Internet, and 11,600 persons subscribed to it. There were more than 80 Internet cafes in Sana'a and approximately 30 in other cities. The Government did not impose restrictions on Internet use, but most persons claimed that equipment and subscription costs were prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, and YemenNet were the country's Internet service providers. The Government did not block politically oriented Web sites.

The Government restricted academic freedom to some extent because of the extreme politicization of university campuses. A majority of professors and students aligned themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitored the activities of the other. Top administrative positions usually were awarded to political allies of these two major parties. There were several clashes between GPC- and Islaah-affiliated students during the year, but no serious violence.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Government claimed that it banned and disrupted some demonstrations to prevent them from degenerating into riots and violence. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored meetings and assemblies. The opposition claimed that the Government sometimes detained activists for questioning to prevent them from organizing demonstrations.

Unlike in previous years, there were no reports of members of the security forces using excessive force to disperse demonstrations. There were a number of small, peaceful demonstrations during the year.

Authorities reportedly arrested the soldier responsible for the April 2001 killing of a demonstrator in al-Dalah governorate, but there was no information regarding whether he was disciplined. Residents of al-Dalah long have resisted central government authority, and the governorate for many years has been the scene of frequent (and at times violent) clashes between often-armed residents and security forces.

The Constitution provides for the freedom of association, and the Government generally respected this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, usually a routine matter. Government informants monitor meetings and assemblies.

The Government cooperates to some extent with NGOs, although NGOs complain that there is a lack of response to their requests from government officials. Some part of the Government's limited responsiveness was due to a lack of material and human resources. In January 2001, the Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGOs (see Section 4).

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders and 2,500 members (see Section 3).

c. Freedom of Religion.—The Constitution declares that Islam is the official religion and also provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions.

Followers of other religions were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversions, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing and holding elected office. The Government does not designate religion on passports or identity cards. The Constitution states that Shari'a is the source of all legislation.

Under Islam the conversion of a Muslim to another religion is considered apostasy, a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by government authorities.

Official government policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature. However, there were unconfirmed reports that foreigners, on occasion, have been harassed by police for its possession. In addition, ostensibly to prevent proselytizing, some members of the security forces occa-

sionally censored the mail of Christian clergy who minister to the foreign community.

The Government did not allow the building of new non-Muslim public places of worship without permission. Weekly services for Catholic, Protestant, and Ethiopian Christians were held in various locations in Sana'a without government interference. Christian church services were held regularly in other cities without harassment in private homes or facilities such as schools, and these facilities appear to accommodate the small numbers involved.

There were unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy to compel them to renounce their conversions.

Public schools provided instruction in Islam but not in other religions. However, almost all non-Muslims were foreigners who attended private schools.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. This included the monitoring of mosques for sermons that incite violence or other political statements that it considered harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations and, in the past, have operated private schools, but the Government monitored their activities.

The Government has taken steps to criticize publicly efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government threatened religious academies with closure, and deported hundreds of foreign students. In May 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. Publicly funded Islamic schools would be absorbed into the national system. This process began in 2001, but the full implementation of the law remained ongoing.

In 2000 the Government suspended its policy (enacted earlier that same year) of allowing Yemeni-origin Israeli passport holders to travel to Yemen on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within the country on non-Israeli passports (*see* Section 2.d.).

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former People's Democratic Republic of Yemen (PDRK), including religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to previous owners.

Shari'a-based law and social custom discriminate against women (*see* Section 5). Men were permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12.

On December 30, an individual killed 3 foreign medical staff and injured 1 in a hospital in Jibla. The person was arrested immediately after the shooting.

There reportedly were no developments in the case of the five individuals who were arrested in connection with the 2001 bombing of Christ Church in Aden. Their trial began in April 2001 and concluded in August. No details of the trial were released to the public. There reportedly were no developments in the case of a Muslim individual who opened fire on worshipers during evening prayers at the local mosque in Dhabyan. The shootings appeared to be criminally rather than religiously motivated.

Nearly all of the country's once sizable Jewish population has emigrated. There were no legal restrictions on the few hundred Jews who remain, although there were traditional restrictions on places of residence and choice of employment (*see* Section 5).

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places some limits on freedom of movement. In general the Government did not obstruct domestic travel, although the army and security forces maintained checkpoints on major roads. There were a few reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In certain areas, armed tribesmen occasionally manned checkpoints alongside military or security officials, and subjected travelers to physical harassment, bribe demands, or theft.

The Government did not routinely obstruct foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (*see* Sec-

tion 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

During the year, in an intensified effort to address terrorism and perceived religious extremism, the Government enforced existing laws that previously had been applied only erratically, and deported foreigners who were in the country illegally or whom it suspected of inciting violence or engaging in criminal acts. The initiative was not applied to refugees, and there were no reports of due process violations.

The law does not include provisions for granting asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continues to grant refugee status on a group basis to Somalis who arrived in the country after 1991.

In 2000 the Government offered asylum to 56,524 Somalis. The Government also cooperated with the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees from Eritrea (2,560 persons), Ethiopia (1,203 persons), and various other countries (252 persons). The Government permitted the UNHCR to monitor the situation of an estimated 2,000 Iraqis in Yemen.

Approximately 43,000 Somali refugees have been integrated into society and received medical treatment assistance from UNHCR. In January 2001, the Government established the National Committee for Refugee Affairs, which is composed of the Ministries of Interior and Foreign Affairs, the Immigration Authority, and the Political Security Organization, to handle refugee questions.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, there were limitations in practice. The Government by law is accountable to the Parliament; however, the Parliament was not an effective counterweight to executive authority. Decisionmaking and real political power still rested in the hands of the executive branch, particularly the President. In addition, the Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the Yemeni revolution, or violate the country's international commitments.

The President appoints the Prime Minister, who forms the Government. The cabinet consists of 35 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged the 1997 parliamentary elections and 2001 local council elections as "reasonably free and fair," despite some problems associated with the voting.

Ali Abdullah Saleh, the President and leader of the GPC, was elected to a 5-year term in the country's first nation-wide direct presidential election in September 1999, winning 96.3 percent of the vote. The Constitution provides that the President is elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition, the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition coalition did not receive from the GPC-dominated Parliament the minimum number of votes required to run (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC. There was no significant violence associated with the election.

Although the Constitution permits Parliament to initiate legislation, to date it has not done so. Parliament generally was relegated to debating policies that the Government already had submitted, although it increasingly and successfully revised or blocked draft legislation submitted by the Government. In addition, the Government routinely consulted senior parliamentary leaders when it drafted important national legislation. Despite the fact that the President's party enjoyed an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government and has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the issue of detainees and aspects of the Government's counterterrorism campaign. Ministers frequently were called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes do refuse to appear. Parliamentarians at times were sharply critical during these sessions. Parliamentarians and parliamentary staff attend foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

In a national referendum held in February 2001, citizens approved several amendments to the Constitution, including amendments that would extend the terms of Members of Parliament from 4 to 6 years and the President from 5 to 7 years, allow the President to dissolve Parliament without a referendum in rare instances, and abolish the President's ability to issue decrees while Parliament was in recess. Another approved amendment transformed the 59-member Consultative Council, an advisory board to the President, into an appointed 111-member Shura Council. The new Council, like the old, advises the President on a range of issues and consists of appointed members chaired by a former prime minister. However, unlike its predecessor, which had no constitutional role, the Shura Council has limited legislative and candidate approval powers.

Formal government authority is centralized in Sana'a; many citizens, especially in urban areas, complain about the inability of local and governorate entities to make policy or resource decisions. The Local Authority Law, considered by the Government as an important part of its ongoing democratization program, decentralizes authority by establishing locally elected district and governorate councils. Government-appointed governors headed the councils. The first elections for the councils were held concurrently with the constitutional referendum in February 2001. A few local councils still were not constituted at year's end and many continued to lack sufficient resources.

In some governorates, tribal leaders exercised considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas often was weak.

In October voter registration was held for parliamentary elections scheduled to take place in April 2003. Total registration increased to more than 8 million voters, and women's registration increased 40 percent. Approximately seven persons were killed in registration-related violence. Forty-two persons were wounded in more than 400 incidents of violence.

In general the elections and referendum in 2001 appeared to be free and fair; however, there were problems. Approximately 28 persons were killed and 47 injured in election-related violence. There were some reports of fraud, as well as logistical problems in voting procedures.

The multiparty system remained weak. The GPC dominated the Parliament, and *Islaah* was the only other party of significance in Parliament. However, the Yemeni Socialist Party (YSP) declared its intention to participate in the April 2003 elections. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and 2,500 members. Some oppositionists contended that they were unable to organize new parties because of the prohibitively high legal requirements regarding the minimum number of members and leaders. The YSP and several smaller parties boycotted the country's first nationwide direct presidential election in September 1999, but they returned to active political life by participating in the February 2001 local elections and constitutional referendum.

The Government provided financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claims that the Government has yet to return the assets that it seized from the party during the 1994 war of secession.

An extensive cabinet change in April 2001 expanded the Cabinet from 24 to 35 ministers, restructured existing ministries, and created several new ministries to place greater emphasis on important national issues, such as population, the environment, and human rights. The new government program focuses on domestic reform, with particular attention to human development, including education, economic development, electoral reform, political decentralization, judicial reform, and human rights.

There were 2 women in the 301-seat legislature. There were no women in the Supreme Court. There was 1 woman in the Cabinet. Two women were elected to the Parliament in 1997 (the same number as in 1993), and an increasing number hold senior leadership positions in the Government or in the GPC. The country's first female minister was appointed in April 2001, and 35 women were elected to the local councils. Voter registration of women is less than half that of men although the October voter registration showed a 40 per cent increase in the levels of women's registration. Approximately 30 percent of women in the country voted in the last election.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process. There were no credible reports that citizen members of religious minorities were not permitted to participate in the political process (*see* Section 2.c.).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The concept of local nongovernmental human rights organizations is relatively new, with the first groups forming only in the 1990s. During the year, several groups held workshops and other activities without government interference and often with government support.

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views; however, NGOs complained that at times there was a lack of response to their requests. Some part of the Government's limitation in responsiveness was due to a lack of material and human resources. During the year, several government-sponsored initiatives were aimed at furthering cooperation with NGOs. For example, in October the Shura Council sponsored a workshop that brought together more than 20 NGOs with government officials and journalists.

The Taiz-based HRITC, domestic human rights NGO, placed particular emphasis on education and NGO training. During 2001 the HRITC sponsored numerous public lectures, training workshops, and conferences, and participated in several meetings of the international human rights community. During the year, the HRITC continued its work and developed a directory of NGOs operating in the country. Several donors have supported the HRITC. The HRITC did not conduct any investigations into alleged human rights abuses during the year.

The Sana'a-based NGO Forum for a Civil Society focuses on human rights within the context of establishing a legal framework for prosecuting violators and helping to reconcile draft legislation that is inconsistent with the Government's human rights policy or stated responsibilities. The forum was instrumental in raising public opinion and opposition to problems within the draft NGO and police laws (*see* Section 2.b.). The forum also is reviewing the Personal Status and Civil Procedure Laws to investigate how the laws affect women's rights (*see* Section 5) and is involved in anticorruption endeavors and prison reform. The group publishes the monthly *Al-Qistas*.

The Yemen Institute for Developing Democracy objective in creating the group, Yemeni Democratic Forum, was to create a mechanism that would promote democratic participation and government-civil society engagement. During the year, it monitored the voter registration process to ensure it was generally free and fair.

The National Center for Human Rights and Democratic Development (NCHRDD) participated with other organizations in prison inspection tours.

AI, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observed the country closely. The ICRC maintained a resident representative. The Government has given these groups broad access to government officials, records, refugee camps, and prisons (*see* Section 1.c.).

The Supreme National Committee for Human Rights (SNCHR), which reported to the Deputy Prime Minister, who also was Minister of Foreign Affairs, was dissolved in June 2001, reconstituted, and then placed under the authority of the new Minister of State for Human Rights. The SNCHR had been responsible for ensuring that the country met its obligations with respect to implementing international human rights conventions and investigating specific instances of abuse. The committee viewed, as its highest priority, education as a means to effect cultural change. It undertook several human rights educational projects, including incorporating human rights education into secondary school curriculums and providing human rights workshops for police officers and other security officials. The committee was less active in investigating specific cases of abuse.

The Government created a new Human Rights Ministry in April 2001, headed by the country's first female minister. The country's Minister of State for Human Rights, Dr. Wahibah Fare'e, was a prominent women's rights activist and the founder of Queen Arwa University. Dr. Fare'e has identified women's rights, the rights of children and persons with disabilities, and prison reform as her priorities. Since her appointment, she has attended a number of human rights conferences and workshops.

The Human Rights Committee of the President's Shura Council conducted numerous prison inspections, and suggested that those prisoners who had finished their sentences but did not pay their fines be released (*see* Section 1.c.).

The Parliament's human rights committee participated in prison inspections during the year. The committee has no authority except to issue reports.

The Committee to Combat Torture is composed of 100 senior parliamentarians and party leaders, including some opposition members, but apparently was inactive during the year.

The Center for Future Studies, a think tank affiliated with the Islaah Party, issues an annual report on human rights practices, providing a wide-ranging overview of human rights. There is little follow-up to the report.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that “all citizens are equal in general rights and duties,” and that society “is based on social solidarity, which is based on justice, freedom, and equality according to the law”; however, discrimination based on race, sex, and disability, existed. Entrenched cultural attitudes often affected women’s ability to enjoy equal rights.

Women.—The law provides for protection against violence against women; however, such provisions rarely were enforced. Although spousal abuse reportedly was common, it generally was undocumented. Violence against women and children was considered a family affair and usually was not reported to the police. In the country’s traditional society, an abused woman was expected to take her complaint to a male relative (rather than the authorities), who should intercede on her behalf or provide her sanctuary if required. The only institutionalized aid program for victims was a small shelter for battered women in Aden.

The law prohibits rape; however, it was a widespread problem.

The press and women’s rights activists only recently have begun to investigate or report on violations of women’s rights. During the year and in 2001, NGO-sponsored conferences attempted to raise the media’s awareness of violence against women.

Female genital mutilation (FGM) was practiced. The prevalence of the practice varied substantially by region. Citizens of African origin or those living in communities with strong African influence were more likely to practice FGM. In January 2001, the Cabinet issued a decree making it illegal for public or private health service practitioners to practice FGM, and some government health workers and officials continued to discourage the practice actively and publicly. During the year, the January 2001 Cabinet decree was reissued as a presidential decree, making it illegal for health service practitioners to practice FGM. On December 28, some NGOs in Hodeidah and Aden held a conference on combating FGM to discuss specific ways to combat the practice.

Prostitution is illegal; however, it occurred in practice.

The Penal Code allows for leniency for persons guilty of committing a “crime against honor,” a euphemism for violent assaults or killings committed against a female for her perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for murdering a woman. However, a husband who murdered his wife and her lover may be fined or imprisoned for a term not to exceed a year. Despite the apparent sanctioning of honor killings, most citizens, including women’s activists, believed the phenomenon was not widespread. Some international NGOs claimed that the practice was more prevalent, but admitted to a lack of evidence to support such claims.

Women faced significant restrictions on their role in society. The law, social custom, and Shari’a, as interpreted in the country, discriminated against women. Men were permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12.

The law stipulates that the wife’s “consent” to the marriage is required; consent is defined as “silence” for previously unwed women and “pronouncement of consent” for divorced women. The husband and the wife’s “guardian” (usually her father) sign the marriage contract; in Aden and some outlying governorates, the wife also signs. The practice of bride-price payments is widespread, despite efforts to limit the size of such payments.

The law provides that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, such as her husband’s nonsupport, impotence, or taking of a second wife without her consent. However, the expense of hiring a lawyer is a significant deterrent, as is the necessity for rural women to travel to a city to present their case. A woman seeking a divorce also must repay the mahr (a portion of her bride price), which creates an additional hardship. As a woman’s family usually retains the mahr, the refusal by a family to pay the mahr effectively can prevent a divorce. The family’s refusal to accept the woman back into the home also may deter divorce, as few other options are available to women. When a divorce occurs, the family home and older children often were awarded to the husband. The divorced woman usually returns to her father’s home or to the home of another male relative. Her

former husband must continue to support her for another 3 months, since she may not remarry until she proves that she is not pregnant.

The Cabinet issued the "House of Obedience" law, which contained provisions that forced women who left their husbands to return. During the year, the law was passed by Parliament. A grassroots effort to lobby against the provisions was conducted by NGOs, lawyers, journalists, and the National Women's Committee (NWC). Subsequently, government removed the provisions that forced women to return to their husbands after they had left them.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel (*see* Section 2.d.). They also were expected to be accompanied by male relatives. However, enforcement of this requirement is not consistent.

Shari'a-based law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in the country of foreign-born fathers.

According to an Interior Ministry regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the Interior Ministry. A foreign woman who wishes to marry a citizen man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There were no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases. Although the regulation does not have the force of law and is applied irregularly, some human rights groups have raised concerns about it.

The Government consistently supported women's rights as exemplified by local law and the expansion of the public role of women. The President frequently speaks publicly about the importance of women in politics and economic development. Several ministries have a number of female directors general. In 2000 the Prime Minister established the Supreme Council for Women, an independent governmental body charged with promoting women's issues in the Government.

According to 2000 government statistics, approximately 68 percent of women were illiterate, compared with approximately 28 percent of men. The fertility rate is 6.5 children per woman. Most women have little access to basic health care.

In general women in the south, particularly in Aden, were better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of working women in the south appears to have declined, due not only to the stagnant economy but also to increasing cultural pressure from the north. According to the UNDP, female workers account for 19 percent of the paid labor force. There were no laws prohibiting sexual harassment, and it occurs in practice.

Prior to unification, approximately half of the judges working in the PDRY were women. However, after the 1994 war of secession, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continue to practice in Aden, there were no female judges in northern courts.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes women's education and civic responsibility through seminars and workshops and by coordinating donors' programs. The committee's chairwoman sits on the Prime Ministerial Supreme Council for Women. In July 2001, the NWC, in a legal reform project financed by the World Bank, completed a 6 month review of 58 significant national laws to find and rectify provisions that discriminated against women or violated equal status requirements agreed to by the Government in international conventions. The NWC's seven-member legal committee identified problems and recommended legal changes. The Cabinet approved the recommended changes in principle, with some revisions; however, Parliament passed no legislation regarding this matter by year's end. During the year, the NWC also pushed for a quota system to reserve at least 10 percent of the parliament seats for women. The Government passed no legislation regarding the guarantee by year's end.

There were a number of recently formed NGOs working for women's advancement, including the Social Association for Productive Families, promoting vocational development for women; the Women and Children's Department of the Center for Future Studies, organizing seminars and publishing studies on women and children; the Woman and Child Development Association, focusing on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, providing micro-credit and vocational training to women.

Children.—While the Government asserts its commitment to protect children's rights, it lacked the resources necessary to ensure adequate health care, education, and welfare services for children. Malnutrition was common. The infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children received preferential treatment and had better health and survival rates.

The law provides for universal, compulsory, and free education from ages 6 to 15; however, the provision regarding compulsory attendance is not enforced. Many children, especially girls, do not attend primary school. According to a UNDP report released during 2001, average student attendance in primary schools is 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attend school; the rate in urban areas is 81 percent. In 1998 to encourage girls' attendance at school, the Government passed a law that eliminated school fees and the requirement of uniforms for girls. According to an UNICEF report, enrollment of girls in school increased by 4 percent in 1998.

Child marriage is common in rural areas. Although the law requires that a girl be 15 years of age to marry, the law is not enforced, and marriages of girls as young as age 12 occur.

The law does not prohibit Child abuse, and it was a problem.

FGM was practiced on a limited scale (*see* Section 5).

Persons with Disabilities.—Persons with mental and physical disabilities faced distinct social prejudices, as well as discrimination in education and employment. The Government mandated the acceptance of persons with disabilities in universities, exempted them from paying tuition, and required that schools be made more accessible to persons with disabilities; however, it was unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities.

Public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing. For example, during 2001 a privately funded center for persons with hearing and speaking impairments was established in Taiz. In 2000 donors financed the establishment of three new schools for persons with disabilities in Taiz governorate.

The Handicapped Society and the Challenge Society were involved in assisting persons with disabilities. These two NGOs provided rehabilitation assistance and vocational training, and sponsored cultural and sports activities.

National/Racial/Ethnic Minorities.—Citizens with a noncitizen parent at times face discrimination in employment and in other areas. Persons who sought employment at Sana'a University or admission to the military academy by law must demonstrate that they have two citizen parents. Nonetheless, many senior government officials, including Members of Parliament and ministers, have only one citizen parent. In some cases, naturalization of the noncitizen parent is sufficient to overcome the "two-Yemeni-parent" requirement.

A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of the country who later were enslaved, were considered the lowest social class. Known as the "Akhdam" (servants), they live in poverty and endure persistent social discrimination. The Government's Social Fund for Development (SFD) for "special needs groups," focused particularly on the Akhdam. In July 2001, several Akhdam-origin citizens in Taiz governorate established the Free Black People's Charitable Organization to fight discrimination and improve conditions for their community.

Human rights groups have reported that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation required that marriages of citizens and foreigners be approved in advance by the Ministry (*see* Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for acts of violence remained limited. For example, during January two persons were reported killed in tribal disputes between the al-Fukara and al-Saiad tribes in Mareb governorate. In March two persons were reported killed and four injured in Saada in a tribal leadership dispute between Bani Ghalfan and al-Bau Slamah tribes. In May five persons were killed and seven injured in a tribal dispute between al-Wahbi and al-Ubaysi tribes in al-Bayda governorate. Tensions, which periodically escalate into violent confrontations, continue between the Government and some tribes.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Law provide that citizens have the right to form and join unions; however, this right was restricted in

practice. The Government sought to place its own personnel in positions of influence inside unions and trade union federations.

The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the Government, although it worked closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed such an establishment to be in its best interest.

Only the General Assembly of the GFWTUY may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

The law generally protects employees from antiunion discrimination; however, during the year the International Confederation of Labor Unions identified weaknesses within this law. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of antiunion discrimination, to the Ministry of Social Affairs and Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and since November 2001 with the Brussels-based International Confederation of Free Trade Unions. The GFWTUY withdrew from the formerly Soviet-controlled World Federation of Trade Unions in January 2001.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides workers with the right to organize and bargain collectively. The Government permitted these activities; however, it sought to influence them by placing its own personnel inside groups and organizations. The Ministry of Labor has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). Several such agreements exist. Agreements may be invalidated if they were “likely to cause a breach of security or to damage the economic interests of the country.” Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The Labor Law provides for the right to strike; however, strikes were not permitted unless a dispute between workers and employers is “final” and “incontestable” (a prior attempt must have been made to settle through negotiation or arbitration). The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor of the proposal. Permission to strike also must be obtained from the GFWTUY. Strikes for explicit “political purposes” were prohibited.

There were very few strikes during the year, and there were no reports of violence in connection with these strikes.

There are no export processing zones (EPZs) in operation; an EPZ is planned for Aden.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming because of the poverty of their families. Even in urban areas, children worked in stores and workshops, sold goods on the streets, and begged. Many school-aged children work instead of attending school, particularly in areas in which schools were not easily accessible.

In 2000 the President’s Consultative Council (now the Shura Council) adopted the ILO’s Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Social Affairs and Labor, used the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

The Child Labor Unit at the Ministry of Labor implemented and enforced child labor laws and regulations. The unit is responsible for investigating and addressing cases and issuing guidelines to prevent child labor. They have offices in 11 provinces, and have established specific guidelines to prevent child labor under the age of 12. The Government was an active partner with the International Program to Eliminate Child Labor.

e. Acceptable Conditions of Work.—There is no established minimum wage for any type of employment. The Labor Law states that “it shall not be permissible that the minimal level of the wage of a worker should be less than the minimal wages of government civil servants.” During the year, the Government again increased civil servants’ wages. Private sector workers, especially skilled technicians, earn a far higher wage. The average wage does not provide a decent standard of living for a worker and family.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor was responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement was weak to nonexistent. Many workers regularly were exposed to toxic industrial products and develop respiratory illnesses. Some foreign-owned companies as well as major manufacturers implement higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.